

QUID NOVI

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3661 Peel Street
Montréal, Québec
H2A 1X1
(514) 398-4430
www.law.mcgill.ca/quid

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Éditorial/Editorial

People, People who Stalk People

Courtney Retter (Law II)

The word "love" is not in the *Civil Code of Quebec*. Not even once. After recently learning that all children, regardless of age, are bound to respect their mother and father (art. 597, C.C.Q.), I thought I could conjure up a romantic codal provision to get our Faculty in the mood for the Quid's annual Valentine's Day issue. I was wrong. The sexiest provision I could find was art. 460. It states:

Any property that a spouse is unable to prove to be an exclusively private property or acquet is presumed to be held by both spouses in undivided co-ownership, 1/2 by each.

The romantic lapse in our *Code*, however, was not going to stop me from finding the intersection between love and law. After a quick search on Westlaw, I came across an article that included the words "love", "Valentine's Day" and "law". Convinced I had stumbled upon the holy grail of love in the law, I clicked open the link only to be greeted by the following scholarly title: *Stalking*. That's right, the most titillating thing I could find about love's relationship to the law was in the form of

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
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Contributions should preferably be submitted as a .doc attachment (**and not, for instance, a ".docx."**).
Contributions should also include the **student year** of the contributor.

Goodnight Desdemona Good Morning Juliet

by Thomas Chalmers (SAO)

Every year near the end of January when Faculty, Students and Staff are on a minute's notice due to bad weather, bad moods and Facta, along comes Actus Reus - a brave troupe of first years, veterans and their loyal friends.

This group takes precious time away from their studies to poke their heads out from under the academic covers to look beyond civil codes and shine a light on the world beyond. For me there are three significant dates each year that I high light in my calendar, Convocation, Skit Nite and the Play. As someone once

said 'the play's the thing' and as far as the 29th of January was concerned it was the thing to see and the thing not to be missed.

The annual Actus Reus performance rejuvenates and gives me hope that the harsh winter may soon be over and reminds me that there are other things besides the 9 to 5. The performance this year was the best since the Laramie Project in 05 and I really enjoyed those in between.

I was thoroughly impressed by all the players and nearly pissed myself from laughing. Bravo and thank you again for all the time and effort you put in to this joyous annual spectacle, perhaps you should hit up the Dean for some cash and take it on the road on a good will tour to promote the Faculty, let me know if you're going to Europe.

To those of you who missed it - shame on you!

TC

Debunking the Myths of McGill or Coffee-house Confessions of a Jaded Upper Year

by Max Reed (LAW III)

Preface

A sure sign of the onset of old age is the tendency to start sentences with "back in my day." But after almost 8 years, and 21 terms as a student at this university, I guess this ship has sailed. So, without further ado, *back in my day* there was this helpful LLM fellow named Ryan who wrote a series of reality check articles in the Quid to try to cut through the fog that clouds our hallowed halls. I thought I would resurrect the tradition. Appropriately, February is a stressful time in the life of a McGill law student. Many first years discover that grades can be consonants too. Many second years are set to embark on the inappropriately named *course aux stages* (it should be more like a marathon). Many third years are simultaneously terrified and thrilled about a life without learning. Many fourth years have discovered that you can, in fact, earn law credits while lying on a beach somewhere. With this in mind, I embark on a semi-irregular series of advice columns about life, the law, and everything.

I should, as a good law student, how-

ever, start with a disclaimer. These are my opinions, reflections, thoughts, and perhaps, witticisms. I don't purport to have any special insight beyond having done some different things and having had a fairly long-line of friends who have graduated from this institution and who have gone on to do similarly different things.

In honour of grade day, come and gone, the theme of this week's instalment is school.

OMG I got a B. I don't, like, get Bs. WTF?

For better or for worse, McGill has a very narrow grade curve (err... "target"). The following extract from an email sent out a couple of years ago by Associate Dean Academic Saumier (as she then was) is illustrative:

There is no curve at the Faculty of Law. In terms of grading, instructors are asked to grade according to a target range of class averages. For large classes (above 30), the target is between 2.5 and 3.0 for evaluation by exam only and up to 3.2 for evaluation

with multiple assessments. For small classes (less than 30), typically seminars, the band goes up to 3.2, and for essays up to 3.3. Historically, averages have been at the high end of the range; professors whose average are above the top end are expected to justify this departure.

Still, most professors tend to concentrate the grades heavily in the B to B+ range. I'd say in most courses approximately 60% or so of the grades handed out are either Bs or B+s. Hence the expression that you may have heard, "pay your fees get your Bs." This is a double-edged sword. It makes it very hard to bust the B curve either up or down (although it does happen). So yes at McGill law, unlike wherever you went in undergrad, you will get Bs. Just as you are competitive and smart, and so don't like getting Bs, the guy/girl sitting next to you is equally competitive and smart. Except if he/she is from CEGEP. Then he/she is probably less competitive but smarter. A recruiter from Osler, (a big national law firm) once told me he treats a McGill B like a Windsor A. Lots of McGill students with lots of Bs get

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lots of job offers from lots of great employers of every stripe. The point? (You expect a point from a snarky advice column?) You're going to get Bs so you might as well accept it and not lose too much sleep. Just remember to drink extra heavily once you bust the B curve either way.

Do my grades mean anything?

I think most professors will tell you that your grade on a particular exam measures only how well you did on that exam. It can, but does not necessarily, measure how well you understood the material. Due to the stress and time pressures of exams, oftentimes the person who best understands the material doesn't necessarily write the best exam (see below). More broadly, I think the biggest fallacy is that grades somehow measure future success as a lawyer. Consider the example of the absent-minded academically oriented student who can, on a whim, ruminate about the essence of the common law. Sure she might get a lot of As, but is she going to be a good tax lawyer? Not necessarily. At an event at the large law firm I worked at this summer, the Director of Recruiting essentially admitted this to me. After a few beers, he, an ex-recruiter at McKinsey, told me, "we could throw up all of the CVs of students at a good law school in the air and pick the ones that landed first and we would still end up with about as much success as our current recruiting process." (For a more thorough elaboration on this point see Jordan Furlong's excellent blog at:

<http://www.law21.ca/2009/06/12/the-best-and-the-brightest/>

and

<http://www.law21.ca/2009/11/20/resolving-the-legal-education-disconnect/>)

However, even if grades are not much more than a reflection of how well you can take a three-hour exam, they are important. That is because they allow an employer or a judge or graduate school who gets hundreds of applications to quickly sort through and pick a smaller sample to evaluate more

closely. Not to say that grades are the sole criterion used. In fact, there are many cases where the person with the best grades doesn't necessarily get the job/internship/clerkship/scholarship, because someone else may have a more compelling CV or personality. In short, while grades are by no means an accurate indicator of future success in a desired field, they are unfortunately the only quantitative measure available. So, try your best to get good grades, but don't let your grades grind you down.

How did I do so poorly even though I worked SO hard?

The maddeningly frustrating thing about law school is that hard work is necessary but not sufficient to get the excellent grades we are all used to getting. I think there are two reasons for this. One is that we write exams that account for a large percentage of our mark. These exams force us not only to regurgitate what we've learned but also apply it to a previously unseen context. Writing a good law exam is a discrete skill (a topic that I will revisit at some future point) that some people innately possess and other people must learn. It is very different than the typical undergrad exam. The most well prepared law student can always write a bad exam while the least prepared student can always write a good exam. The second is that some people are just better at certain classes and types of thinking than others. In my first year, Foundations was the class that I put hours upon hours into and I didn't do so well. In contrast, Civil Law Property came more naturally to me and so I did a lot better with much less work. No matter how hard I worked, I don't think I could've gotten a good grade in Foundations because it just isn't how my brain works. Many people said the same thing about Civil Law Property. Should grades be your sole motivating factor, and I believe that they shouldn't, this frustrating calculus is best solved by playing to your strengths and interests and avoiding your weaknesses. So, for instance, I am taking Secured Transactions instead of Jurisprudence. Again, the lesson here is to disconnect your self-esteem from your grades. Yes, your grades are im-

portant because the outside world uses them to judge you, but no, they are not the only signals of your future success in whatever profession you may choose.

Need advice? Send an email to max.reed@mail.mcgill.ca. Anonymity, but not sincerity, guaranteed.



Passing the Québec Bar – Part 1

by Narimane Nabahi (LAW Alumnus)

Some of you will be reading this article while preparing for the Québec Bar. Some will be reading it thinking, "my turn is next." Or maybe you are happy because you are part of the group without the Québec Bar on its agenda. As for me, I am part of the group that survived the four-month "*formation professionnelle*" class at the Québec Bar. This series of articles is meant as a guide to what lies ahead. Part 1 deals with some of the preliminary things you have to do and that revolve around registration. And since the majority of what lies ahead is in French, we will start on the right foot and do it all in French!

Disclaimer: insert your favorite warning here – this is simply my opinion. Dates, requirements, exam structure, just about everything can change, so use your own judgment when reading this article.

La collecte de la paperasse nécessaire

Il faut envoyer plusieurs papiers au *Comité de la formation professionnelle* à l'appui d'une demande à l'École du Barreau. Je ne traiterais pas de cette question, mais je préciserais que le prix du certificat de bonne conduite – un des documents requis – n'est pas le même à tous les endroits qui offrent ce service. J'ai fait le mien chez *Les Commissionnaires*, et j'ai trouvé cet endroit moins cher que d'autres. (<http://www.commissionnaires.ca/national/fr/bureaux/quartier-general-regional-montreal/>). Ce service est aussi offert au Complexe Guy-Favreau, au niveau métro. Prévoyez quelques jours pour le traitement de votre demande.

L'évaluation diagnostique

Pour moi, outre mes études à McGill, cette étape fut la première dans mon cheminement vers l'École du Barreau. L'évaluation diagnostique permet au Barreau de faire une recommandation sur le programme à entreprendre, soit celle de faire le programme de 4 mois

(« formation professionnelle » seulement) ou celle de faire le programme de 8 mois (« cours préparatoires » + « formation professionnelle »). Pour comparer les deux programmes, il faut d'abord comprendre ce qu'est le programme de 8 mois.

Le programme de 8 mois est en réalité deux programmes. La première partie est composée des cours préparatoires. Cette partie dure quatre mois, d'août à décembre. La classe a lieu approximativement trois jours par semaine, contrairement à la formation professionnelle qui a lieu cinq jours par semaine. La seconde partie du programme est en réalité la même que la formation professionnelle. En fait, faire les cours préparatoires, c'est simplement s'inscrire pour la formation professionnelle qui débute en janvier, mais avoir en bonus quatre mois de cours préparatoires d'août à décembre.

Le programme de 4 mois se nomme « formation professionnelle ». On peut le débiter en août ou en janvier, et se termine en décembre ou en mai. C'est cette partie qui compte « le plus », en particulier parce que c'est ici qu'on retrouve les examens et les activités obligatoires (ateliers thématiques, ateliers pratiques, consultation, représentation, plaidoirie et autres).

Suite à l'évaluation diagnostique, qui dure au plus deux heures un samedi matin au début du mois d'avril, vous recevrez un courriel vous indiquant si on vous recommande ou non de faire les cours préparatoires. Tous les étudiants sont classés dans 4 catégories, allant de R-1 à R-4 (voir <http://www.ecoledubarreau.qc.ca/examens/2008%202009%20reguliere.pdf>). Plus le chiffre est haut, moins il est recommandé par le Barreau de faire les cours préparatoires. Dans mon cas, le Comité de formation professionnelle a conclu que j'étais dans la catégorie R-3 : on m'a recommandé de faire les cours préparatoires en précisant mes faiblesses. Un conseil que je n'ai d'ailleurs pas suivi.

La décision de faire ou ne pas faire les cours préparatoires est bien évidemment personnelle, et peut-être basée sur de nombreux critères, tels : votre niveau de compréhension du français, si vous finissez l'université en décembre, si vous voyagez en novembre, etc. Si je regarde les statistiques par contre, j'ai du mal à voir clairement l'avantage de suivre ces cours si on utilise pour seul critère le taux de réussite. Dans ma catégorie, R-3, on constate que le taux de réussite (sans la reprise) est de 75.69 % si on fait le programme de 4 mois et 79.78 % si on fait le programme de 8 mois : une différence de 4 élèves sur 100. Bien sûr, cette analyse des bénéfices est très limitée : peut-être que les étudiants qui ont fait le programme de 8 mois sont très performants quand ils font leur stage. Mais n'ayant pas d'information sur ces avantages théoriques, comment les évaluer ? Avec ou sans ces informations, il faudra néanmoins décider entre ces deux avenues. Un étudiant qui est discipliné pourra bénéficier de la période des cours préparatoires pour lire les quelque 13 volumes de la Collection de droit et acquérir une méthode d'étude efficace... mais d'après les résultats, on peut se demander combien d'étudiants font cela.

Matin ou après-midi

Il faudra, lors de l'inscription, choisir si l'on veut les cours du matin ou les cours de l'après-midi. Les cours du matin commencent à 8 h 30 et finissent à 12 h 30, tandis que ceux de l'après-midi sont de 13 h à 17 h. Ces cours sont donnés dans les différentes salles de l'École du Barreau.

Que choisir? Je crois que le meilleur choix est, si c'est possible et disponible bien sûr, de suivre les cours du matin. Cela force à commencer la journée tôt, laissant du temps en après-midi pour digérer la matière et faire les exercices pour le lendemain, ou rattraper ceux de la journée même. De plus, j'ai cru comprendre que de temps en temps, cer-

tains élèves changent de journée pour certains cours, ce qui est plus facile s'ils ont une place dans le cours du matin : il est plus facile de trouver une place vide dans un cours de l'après-midi que dans un cours du matin. Toujours au sujet des cours du matin, la rumeur veut que le Barreau vérifie, de temps en temps, la liste des gens inscrits à l'entrée de la salle de classe, quelque chose que je n'ai jamais vu être fait l'après-midi.

Une remarque importante sur la demi-journée pour laquelle vous serez inscrit. Pour certaines journées, vous devrez nécessairement vous présenter dans votre « vraie » classe. C'est le cas des activités de formation appelées « rédaction ». Lors des journées de rédaction, le professeur vérifiera que les personnes inscrites à cet exercice de rédaction sont présentes. On ne peut donc jamais changer de salle pour ces journées. De plus, les ateliers pratiques ont lieu dans la partie journée où vous êtes théoriquement libre. Par exemple, mon atelier de « CAIJ - Outils de recherche » a eu lieu à 9 h 30 puisque j'étais inscrit au cours de l'après-midi.

Les ateliers thématiques

Une autre décision qui a tout de même un peu d'importance sur le déroulement du Barreau est le choix des ateliers thématiques. Ces ateliers ont lieu dans des moments où il n'y a pas de cours normaux, par exemple l'après-midi après l'examen de déontologie ou le lendemain de ce même examen, puisqu'il n'y a pas cours. Sans juger de l'utilité ou la qualité des différents ateliers, certains préfèrent choisir des ateliers qui ont lieu plus tôt que plus tard dans le semestre. Mais en utilisant cette méthode de sélection, on peut se priver d'ateliers sur des sujets qui peuvent nous intéresser. Malheureusement, cet intérêt n'est pas reflété dans notre note à l'examen final.

Les ateliers pratiques

Tel que mentionné plus tôt, ces ateliers ont lieu dans la partie de la journée où vous n'avez pas cours. J'ai eu le droit à

deux genres d'ateliers. Le premier genre ressemblait beaucoup aux ateliers thématiques : une grande salle, une personne invitée à présenter un sujet, etc. Le second genre était plus pratique : lors d'un cours où nous avions tous un ordinateur, j'ai appris sur deux familles d'outils informatiques que le CAIJ offre. Pour ceux qui ne le connaissent pas, le CAIJ est le *Centre d'accès à l'information juridique* et est composé d'un réseau de bibliothèques et d'une bibliothèque virtuelle. En étant étudiant au Barreau, on peut aller dans ces bibliothèques, notamment celle située au Palais de Justice de Montréal.

Je ne crois pas que le choix des ateliers pratiques a un grand impact sur la réussite aux examens du Barreau. Par contre, j'ai trouvé les deux ateliers sur le CAIJ particulièrement instructifs. C'est d'ailleurs là que j'ai découvert que la collection de droit était disponible en ligne (gratuitement!) sur le site du CAIJ (http://www.caij.qc.ca/doctrine/collection_de_droit/2009/index.html). Donc ici aussi, il faut choisir judicieusement entre un horaire optimisé et des ateliers qui nous intéressent.

Les ateliers de formation

Ces ateliers sont en fait des cours qui sont légèrement différents. Ils ont lieu dans la salle de classe habituelle, et le professeur qui enseigne un sujet est responsable de cet atelier. Par exemple, dans un atelier de rédaction en droit de la famille, on peut être appelé à rédiger une requête introductive d'instance pour une question de pension alimentaire. Si on est inscrit officiellement à un atelier particulier, le professeur doit s'assurer que l'on rédige soi-même notre document, et ce, de façon acceptable. Je n'ai jamais vu quelqu'un couler un atelier de formation.

Il faut théoriquement choisir les ateliers de formation que l'on veut suivre : il n'est pas obligatoire de tous les faire. Par contre, je crois qu'ici la règle est simple : **inscrit ou pas, il faut faire tous les ateliers**. Personne ne sait d'avance le sujet du deuxième examen. Il serait bien triste de perdre des points, car on a décidé de ne pas aller au cours

de rédaction d'une requête introductive d'instance en droit de la famille et que l'examen traite de ce sujet. Ces ateliers font en réalité partie du programme. Le seul petit hic c'est que si on n'est pas inscrit, le professeur peut s'occuper un peu moins de nous. Je n'ai cependant jamais vu un professeur refuser d'aider quelqu'un qui n'était pas inscrit.

Négociation et Représentation

Je traiterais plus tard de ces deux activités, bien qu'elles apparaissent sur le formulaire de confirmation que l'École du Barreau nous envoie lorsque l'on s'inscrit : elles sont obligatoires, et il n'y a pas à décider quoi que ce soit pour ces activités lors de l'inscription. J'en traiterais donc plus tard.

Modifications

Il est possible, même après le début des cours, de modifier les choix d'ateliers. Il est très difficile d'être transféré au cours du matin. Par contre, les autres décisions peuvent être plus facilement modifiées en cours de route.

* * *

Et voici ce qui conclut ce premier article sur le Barreau. Dans mon prochain article, j'aborderais la question des livres et autres matériels utiles à la réussite au Barreau. Si vous avez des questions, n'hésitez pas à les envoyer à nari-manabahi à (@) mail.mcgill.ca.

NEW PARTICIPANTS REGISTERED!!

The Career Development Office

presents

Public Interest Career Day

A hands-on forum for meeting legal and non-profit professionals working towards the public interest, discussing potential career paths and finding out about various Canadian organizations offering employment, internship and volunteer opportunities.

Cet événement annuel permet aux étudiants d'élargir leurs perspectives d'emploi dans tous les domaines juridiques liés à l'intérêt public. C'est une occasion unique de réunir des praticiens oeuvrant dans de grands domaines rejoignant les droits des personnes, des minorités et le droit international public, pour en nommer quelques-uns.

Wednesday, February 17th, 2009**Events taking place:**

10:00 a.m. – 11:15 a.m.

NETWORKING EVENT: A 'Meet and Greet' event where students can network with legal professionals working in the public interest (In room 16, sign-up required via *myfuture*)

12:30 a.m. - 2:30 p.m.

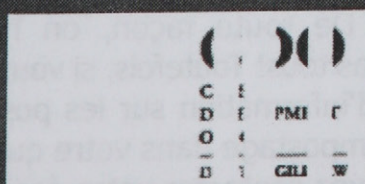
KIOSKS: Distribution of brochures and information about the organizations' work (in the Atrium)

1:30 p.m. - 2:30 p.m.

PANEL OF SPEAKERS: Participants will present on areas of practice, opportunities and career advice.

Participants to date:

- Amnesty International
- Canadian Human Rights Commission
- Canadian Council for Refugees
- Canadian Lawyers Abroad – Avocats canadiens à l'étranger (CLA-ACE)
- Centre communautaire juridique de Montréal
- Commission for Environmental Cooperation
- Department of Justice Canada
- Department of Justice – Northern Region
- Dionne Schulze
- Éducaloi
- Jared Will, avocat
- Montreal City Mission
- Public Service Alliance of Canada
- Sack Goldblatt Mitchell LLP
- Tribunal des droits de la personne et de la jeunesse

**McGill Faculty of Law**

Career Development Office
3644 Peel Street, Room 416
Montreal, Qc, H3A 1W9

Volunteers needed! Please contact: Placement.law@mcgill.ca

THE COMPOSTING REPORT :

WEEK 2 AND 3

by Hugues D. Bergeron (LAW III) et Meredith Cairns (LAW II)

L'étude de compostage est maintenant terminée. La semaine dernière en était la quatrième et dernière semaine. Nous vous ferons ici un rapport des semaines 2 (lundi 25 au vendredi 29 janvier) et 3 (lundi premier au vendredi 5 février) de l'étude. Nous vous parlerons également des possibilités que celle-ci amène pour l'avenir ainsi que de ce que vous pouvez faire si vous voulez continuer à faire du compostage à la maison.

WEEK 2 AND 3

Everything went on well for the audit. Our two teams of volunteers kept emptying the composting bins on Tuesdays and Fridays and bringing the organic waste to the Gorilla Compost drop-off site in the Shatner building. We collected approximately 73 pounds of organic waste during the second week and 98 pounds during the third week. There will be another report in the following weeks to let you know how much organic waste we collected in the fourth and final week.

The contamination problems we had during these two weeks were very similar to the ones we had in the first week: there were cardboard plates, cardboard cups, napkins, and tea labels in the composting bins. The same goes for salad dressings. Therefore, if you have vegetables that were in a salad and are covered with oil, dressing, or anything of the kind, you should not put them in the composting bins. Also, if you bring your compost from home, make sure you only put the CONTENT of your plastic bag in the composting bins, not the plastic bag itself, which isn't compostable (as you can probably imagine!).

L'AVENIR DU COMPOSTAGE À LA FACULTÉ

Alors que nous écrivons ces lignes, nous ignorons encore s'il y aura du compostage à la faculté dans les semaines qui viennent. La seule chose qui rendrait cela possible serait de continuer avec le système actuel pour quelques semaines. Alors, nous tenterons de continuer jusqu'à la fin du présent mois. Toutefois, il nous est encore impossible de savoir si cela sera possible. Néanmoins, d'une manière ou d'une autre, l'avantage de l'étude que nous avons faite demeure : nous savons maintenant que nous pourrions continuer de faire du compostage à la faculté de droit et ce, avec un niveau de « contamination » tout à fait acceptable. Cela facilitera sans doute l'instauration éventuelle d'un système de compostage permanent.

Mais qu'en est-il de la possibilité de faire du compostage de manière permanente à la faculté de droit? Une bonne partie de ce qui a rendu l'étude de compostage possible est le fait qu'elle était temporaire : quatre semaines! Si on voulait instaurer une collecte de matières compostables à long terme à la faculté de droit, il y a plusieurs petits problèmes qu'il faudrait régler. Ce ne serait pas impossible, mais instaurer un système permanent prendrait un certain temps. Plusieurs avenues sont possibles cependant et nous nous pencherons sur celles-ci : on pourrait continuer à travailler avec Gorilla Compost, utiliser la nouvelle « machine à composte » de l'université (qui fut joyeusement baptisée « Big Hana »!), ou même sous-traiter la collecte des matières compostables. Toutes ces possibilités soulèvent plusieurs questions différentes qu'il faudrait régler si on voulait aller de l'avant. Toutefois, l'expérience de l'étude de compostage facilitera éventuellement la vie lorsque nous tenterons d'instaurer un système de compostage permanent à la faculté.

WHAT IF I WANT TO KEEP COMPOSTING?!?

If you have acquired the habit of composting at home and bringing your organic waste to the faculty, **DON'T STOP DOING IT!** We have a few easy and cheap solutions for you which would make it possible for you to continue!

First, you can deal with Gorilla Compost. This composting initiative was launched by students from the McGill School of Environment a few years ago and it is doing a great job! You could bring your organic waste to their drop-off site every now and then for a very affordable price. If you want any information, you can have a look at this webpage: <http://gorilla.mcgill.ca/becomeamember.htm>. Basically, you pay a 5\$ fee per year and you'll get a resealable plastic container in which you can put your compost. You can then bring the container every now and then to the Gorilla Compost drop-off site on campus.

You can also deal with Compost Montreal, who will come and pick up your compost every week, at your door. Compost Montreal will, however, be more expensive than Gorilla Compost as it will charge you 5\$ per week to pick up your organic waste. You can go to this website if you want additional information: <http://www.compostmontreal.com/compostage>

Il existe d'autres services de compostage mais on ne peut pas les nommer tous ici. De toute façon, on ne les connaît pas tous! Toutefois, si vous voulez plus d'information sur les possibilités de compostage dans votre quartier, vous pouvez contacter votre éco-quartier. Vous trouverez les coordonnées des

différents éco-quartiers de Montréal en ligne: http://ville.montreal.qc.ca/portal/page?_pageid=916,1607185&_dad=portal&_schema=PORTAL

BREF...

Nous vous tiendrons au courant de l'évolution de la situation. Si vous avez des questions par rapport à l'étude de compostage en général, n'hésitez pas de contacter l'un de vos commissaires à l'environnement, Meredith Cairns (meredith.cairns@mail.mcgill.ca) et Hugues D. Bergeron (hugues.dorebergeron@mail.mcgill.ca).

ca).

Au cas où le compostage continuerait au cours des prochaines semaines, gardez les informations suivantes en tête :

NE METTEZ **JAMAIS** DE MATIÈRE NON-ORGANIQUE DANS LES CONTENANTS DE COMPOSTAGE

SI VOUS APPORTEZ VOTRE COMPOST DE LA MAISON, NE METTEZ PAS VOTRE SAC PLASTIQUE DANS NOS CONTENANTS DE COMPOSTAGE : N'Y METTEZ QUE SON CONTENU!

PAPER LABELS ON FRUITS, PAPER LA-

BELS ATTACHED TO TEA BAGS, NAPKINS, AND OTHER THINGS MADE OUT OF PAPER CANNOT BE COMPOSTED. MAKE SURE YOU DON'T PUT THEM IN OUR BINS!

ANYTHING THAT CONTAINS OIL, LIKE SALAD DRESSING, CANNOT BE COMPOSTED. BREAD CANNOT BE COMPOSTED EITHER

Vos commissaires à l'environnement, Hugues D. Bergeron et Meredith Cairns

Career Development Office: Upcoming Dates and Events

by Helen Nowak (LAW III) and Andrew Hodhod (LAW II)

Veuillez trouver ci-dessous les détails concernant les événements à venir :

The Muses' Scribe: Career Talk

Mardi, le 16 février 2010

De 15h à 18h, Common Room, OCDH
Cette discussion portera sur les différentes possibilités de carrières pour les avocats intéressés à travailler dans le domaine de l'art, la production artistique continue et les organismes à but non-lucratif.

Public Interest Career Day

Wednesday, February 17, 2010

Don't forget to register on *myFuture* for the morning networking event taking place in room 16 (OCDH) between 10:00-11:15. This is your chance to practice those networking skills!

There is also a panel discussion on "Getting a job in the public interest" taking place between 1:30-2:30 in room 312, NCDH. Speakers at this talk will include representatives from: 1) The De-

partment of Justice – Northern Region; 2) Canadian Lawyers Abroad; 3) The Canadian Human Rights Commission; 4) Educaloi; 5) The Public Service Alliance of Canada; and 6) The BC Civil Liberties Association.

New Criminal Law Initiative

Register before March 1, 2010

Le CDO, en collaboration avec Me Robert Israel du cabinet Shadley Battista, est fier de vous présenter une nouvelle initiative destinée aux étudiants qui désirent poursuivre une carrière dans le domaine du droit pénal. Beginning in March 2010, the Criminal Law Shadowing Program will match up interested McGill law students with prosecutors and defense lawyers in Montreal. The students will accompany lawyers to court to get a taste of the day-to-day practice of criminal law.

Please register on *myFuture* if you are interested in being involved in this initiative (Events/CDO Workshops,

"Criminal Law Shadowing Project"). More details to follow.

Inscription à l'École du Barreau (Fall 2010, Winter 2011)

March, 2010

For the exact date visit: <http://www.ecoledubarreau.qc.ca/admission/>

De plus, n'oubliez pas de lire les courriels "CAREER INFO" de Aisha Topsakal. Elles contiennent des informations importantes sur les dates butoirs et événements à venir.

Finally, remember to check <https://law.myfuture.mcgill.ca/> for jobs, events and recruitment applications, as well as <http://www.mcgill.ca/cdo> for various resources.

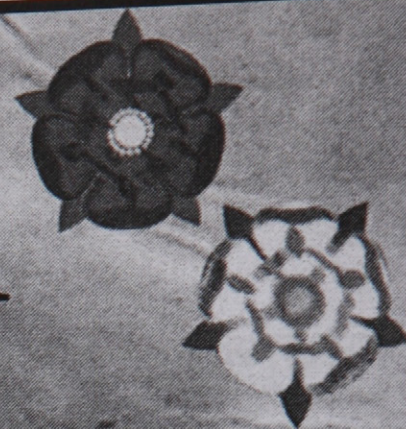
HENRY VI: THE RISE OF YORK

WRITTEN BY WILLIAM SHAKESPEARE

AND ADAPTED BY STUART WRIGHT AND FRASER DICKSON

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Texas, BIG state, little minds?

by Chase Barlet (LAW I)

The following article is satire, a use of irony, sarcasm, ridicule, or the like, in exposing, denouncing, or deriding vice, folly, etc.

A few months ago, I asked many of you informally via Facebook to tell me your favourite and least favourite US states. I was pleased to discover that the results were consistent with my own inside-perspective. Several individuals vocalized what I'll tactfully call polite dissent upon seeing Canada's least-adored state in the Union. I am sick of the world likening the rest of my country to Texas. So I have approached the matter democratically, diplomatically, and objectively.

Some people say Texas is as dumb as it is big. This is not true (it's actually far too small for that). Really, though, take a moment to reflect on Texas' most brilliant contributions: George Bush, Enron, drunk driving (worst of all 50 states), slow/bad drivers (that's right Houston), ugly, brown, humidity, low wages, asinine conservatives, people who think they are right when they are inherently wrong, most toxic emissions - namely sulfur dioxide and nitrogen dioxide, offensive social standards, Ma and Pa Ferguson, George Bush, Matt McConaughey, guns, gas prices, red-necks, the Dixie Chicks, George Bush, buck-toothed hick car salesmen, and of course, GRAMMAR—"I seen y'all's jerst

yesterday by that there water tower."

Some fun facts:

...Driving across Texas takes at least two days. Plan to not turn your steering wheel more than twice.

...If you stand on your roof in Houston you can see Oklahoma.

...In Texas you can see farther and see less than in any other place on earth.

And some interpretations to commonly heard Texan phrases:

1. "Everything's bigger in Texas." Well, heck, isn't that the darned truth? You're huge, and by this I mean fat. Texas houses five of the nation's ten fattest cities, and three of them are in the top five. Why? Probably because they "Texas-size" all the food portions (including chicken-fried steak and Tex-Mex). Ever heard of jogging, anyone? The state is flat; not a single incline will stop you. Texas' large size has nothing to do with power or importance. It was a precursor to ensure room for the expanding waistlines of Houston, Dallas, San Antonio, Fort Worth, and Austin.

2. "We drive good." Relativism is a dangerous mistress. In fact, nobody in Texas can drive. While Texans may appear more agreeable on any of the 23 George Bush Expressways (except you, Houston), they are absolutely clueless when it comes to driving in rain, snow, or traffic. There are more 5 mph car wrecks when it snows than immigrants crossing the Rio Grande. Has no one heard of public transportation? Or would that be too "green" and "sissy"?

3. "Well yeah but we still got Dallas." Dallas. Yes, you do. There is a grassy knoll in Dallas, a new Super Wal-Mart, and...? According to official travel brochures, "Dallas is an absolutely awful city, baking in dry sweat, yet tourists flock here every year to eat, shop, eat, and then eat some more." Dallas-bound!

4. "So what? We got Houston, too."

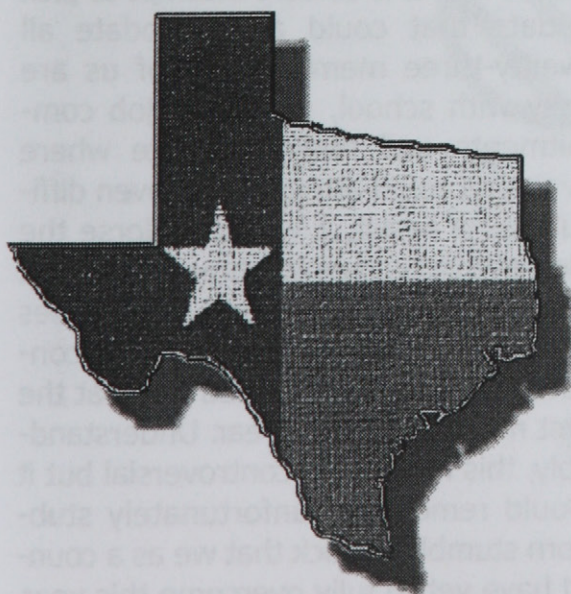
NASA (via Florida, where the real work is done), Rice University and crappy sports. On a positive note, the world's largest sauna is also proud to be one of the world's largest parking lots. Never drive in Houston. Ever. You have been warned.

5. "Hook 'em." What better way to spend a muggy evening in Austin than packed with a hoard of drunken "students" in a cesspool of alcoholic lust? If this appeals to you, you have yet to meet the mosquitoes. If there is one thing Texans do get up for, though, it's beer and fried vittles. You might as well root for someone, so go Longhorns.

6. "Dubya fought terror with nukular stategy." Diplomacy is overrated, so who needs to use words properly? He even legitimately won the election, at least the second time - provided those ballot boxes in Florida are never found. He was a marvelous leader when you discount everything he ever did, but sadly a Texan can only hide his true idiocy for a matter of minutes, let alone eight years. But what more should we expect from a population whose favourite pastime is "shootin' stuff."

7. "We got oil." Yes, we are all aware of this. So does Iran; bravo. There's nothing like waking up to find a natural resource literally underneath your feet. Energy empire, ahoy.

8. "Don't mess with Texas." Don't worry, I won't. My time would be better spent riling up geese at the local park. Your neighbours to the south apparently feel the same way. Your xenophobia knows no bounds, yet Mexicans find "sneaking" into Texas easier than a kindergarten finds picking his nose. "Oh look! A dried up river; let's cross." The "wall," a pathetically shameful, dilapidated (dilap-ih-day-tid for all you "big-word" weary folk) mess of strewn wire guarded by drunk vigilantes hardly passes as a flower garden's picket fence, let alone an asset to national se-



curity.

9. "I'll tell you what...." What? What are you possibly going to do? Finish with a complete sentence? Heck, no! Y'all is lazy. Not only are you lazy, but you take pride in never doing anything. You actually pride yourself as being perhaps the least productive academic population of all mankind. You waste time TO WASTE TIME.

10. "Well y'all don't got no Texas pride liken myself." You know what they say: big ego, small... You flaunt Texan Pride but no one is quite certain why. Perhaps it's because it sounds better than, "I'm a rather underwhelming hick from a dry desert." To keep up the act, though, the phrase is often followed up with excuses for not doing anything productive and then immersing a fried turducken drumstick into a tub of Crisco.

11. "Oh yeah? C'mere a minute." Come here a minute, please is what you meant. Courtesy remains void from Texan life and daily behaviour. Whether by sheer pronunciation difficulties or close-minded bigot ignorance, the practices of common courtesy and being polite and considerate are left nonexistent. Sadly, for over a century, Texans have not cared about their surroundings,

quality of life or providing true, humane treatment to fellow human beings, especially those from outside the South or those disagreeing with the state's culture of unstoppable man-made commercial/residential development, while praying in their multimillion dollar, pork barrel churches (Texans thrive on Christianity—no Jews, Muslims or Atheists welcomed here) for divine intervention to keep the scheme going.

12. "Our country's just as perty as y'all." First of all, you're a state. We don't like it anymore than you do. And if by pretty you mean you grow oil rigs on flat brown plains then yes, it is very pretty. And after all, who needs green, right? Green is for sissies! I say if you're going to go brown, leave green out all together. Leave those lights and electric appliances on all night and keep your Chevy idling in the driveway. Take that, Mother Nature.

13. "We know justice." I applaud any Christian society that touts its absurd number of capital punishment sentences as just. Texas has killed more criminals than all other states combined. May God bless this just and righteous people.

14. "Real men come from Texas," Thus:

old-fashioned, ultraconservative, conceited, close-minded jerks. Keep them. Keep them for as long as gender roles remain more defined here than in any other state, as long as men remain in power who can't pronounce their own positions, as long as homophobia runs rampant as if gayness is a contagious disease, as long as sarcasm goes undetected, and as long as Texan Southern Baptists remain the police of global moral action. By all means, keep them.

15. "You best watch yo' step or we goin' secede." We thought you'd never ask. That said, South Carolina has drafted your petition, Massachusetts has trained volunteers to circulate it, the President is standing by, and California's planning an awesome going away party.

But be careful, Texas, don't let that Lone Star of yours light up the map too much or you might see just how ignorantly blind you really are.

Moving Forward

by Stephen Hoffman (VP-Academic, LAW III)

Over the past few weeks much has been made about the so-called failings of the LSA. Lost within what has become an unfortunately heated debate over what the LSA executive members have neglected to do has been the positive progress made on several fronts.

I am not trying to say that everything has been perfect. I understand where the frustration expressed by Natai and Charlie comes from. I consider them both personal friends and feel that both have the best interests of the faculty at heart. It was a mistake for members of the executive not to be present at the J-Board meeting. I understand how our absence was interpreted and would like to personally apologize. However, I fundamentally disagree with the tone of

their original article. Admittedly, it was not their job to present a fair and balanced article or one that trumpeted our successes.

There have been issues throughout the year that could have been handled differently. Elections for faculty councilors and first year class presidents should have been held earlier in order to allow LSA Council to meet prior to the constitutionally mandated deadline. The executive's thinking at the time was that it was better to allow the first year students an opportunity to get to know each other prior to holding an election, in order to allow for an informed decision. It is now clear that, however genuine our reasoning, it was a mistake not to hold elections earlier and convene

the LSA Council prior to 15 October.

Once elections were held, we failed to hold a council meeting for several weeks due to a sincere attempt to pick a date that could accommodate all twenty-three members. All of us are busy with school, work and job commitments and finding a date where everyone could attend has proven difficult. As a result, I would endorse the idea of a fixed meeting time held in the evening at 8pm (presently all classes end by 7:30) incorporated into the constitution or at least agreed upon at the first meeting of each year. Understandably, this may seem controversial but it would remove an unfortunately stubborn stumbling block that we as a council have yet to fully overcome this year.

Il y a d'autres points sur lesquels je crois que l'exécutif peut s'améliorer. Les étudiants sont en droit de savoir pourquoi le Bogenda n'était pas disponible au mois de novembre comme d'habitude ou comment l'argent a été dépensé sur un site web qui n'a pas encore été mis à jour. Il est vrai que les étudiants ont reçu une réponse à cette question, mais il aurait été préférable qu'elle ait été donnée sans être suscitée par une article. Cette opinion est d'ailleurs partagée par l'ensemble des membres exécutifs

Même si je crois que nous devons être honnêtes et transparents quant à nos échecs, je suis d'avis que trop peu de la population étudiante est au courant des progrès que chacun des membres de l'exécutif a accompli dans le cadre de leur mandat.

Je profiterai donc de cette letter pour féliciter et partager leurs succès.

Marianne, as VP-Athletics, will be introducing an entire line of McGill Law sporting attire to go along with the popular sweatshirts.

Elena, as VP-Public Relations, has prepared a small and medium sized firm sponsorship package, which will hopefully provide a new source of sponsorship revenue in upcoming years.

Catherine, as VP-Internal, has negotiated a new beer contract as well as organized several events throughout the year, including an upcoming trip to Quebec City.

Pascal, as VP-Administration, took on the role of office manager during the summer saving students \$1,500 as well as pioneered the use of Pbworks.

Martin, as VP-Clubs & Services, has transformed the bogenda into both an agenda distributed in September and an electronic student directory that will save students money and allow it to be ready by mid-September in future years.

Joel, as VP-External, has been working since the beginning of the year to revive the CADED (Confederation des Associations des Etudiants en Droit Civil), which is now pushing actively for greater accessibility to justice.

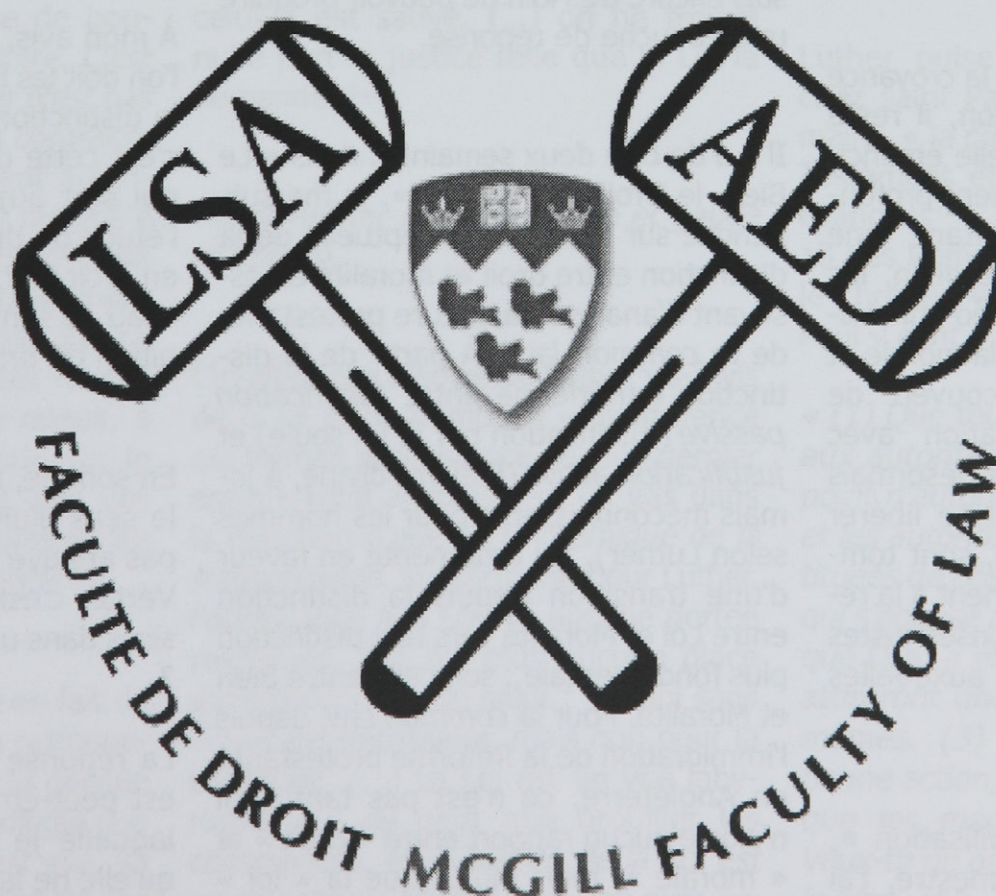
Amine, as VP-Finance, has had the accounts audited properly by a chartered accountant for the first time in years.

I am happy to announce that many of the goals I set out for my portfolio last April in the election campaign are close to becoming a reality. Some students might wonder what their VP-Academic does from day-to-day, besides attending an average of 5-10 hours of meet-

ings a week. Sadly, I cannot get your marks changed or a professor replaced during the semester.

I began my term with the goal of reviewing the second year curriculum and to that effect, a new sub-committee has been created that I am chairing along with Professors Lametti and Piper. As well, Associate Dean Academic Lametti and I are in the process of creating a best practices document for when professors are unable to continue teaching a class.

I hope within the next month to be able to share with everyone several more improvements that I believe will be passed through the curriculum committee and Faculty Council. As I wrote in my profile on the website, as your student representative, your opinions empower me. I invite all students to come and discuss with me, whether by email or in person, ideas, questions or concerns that they may have about academic matters. I hope that students now have a better idea of what their LSA executive has been doing and, while there remains room for improvement, be assured that we are committed to doing our best.



La religion positiviste

by Marc James (LAW I)

Cela fait plus d'un mois que je m'intéresse au rapport entre droit et religion. Si j'ai choisi une telle avenue, c'est parce que je suis d'opinion que rien n'existe indépendamment de son histoire. Toute notion, tout concept, tout dispositif, tout mécanisme, toute institution et tout régime porte avec soi, à l'heure où on l'étudie, la variété d'événements qui en ont constitué la forme finale, contemporaine. Étudier une chose indépendamment de son histoire, c'est faire fi des conditions de possibilité de la chose qu'on étudie. C'est étudier une forme vidée de sa substance. C'est adopter une approche parfaitement métaphysique. Rien n'existe en dehors de sa genèse et de son histoire propre. L'objet contemporain porte encore avec lui – je me demande même s'il porte autre chose – ses conditions de possibilité, c'est-à-dire son récit, *its narrative*. Aussi, la religion fait radicalement partie de notre culture depuis le moment où les dieux du monothéisme se sont déclarés à la fois source unique et fin de la création. Rien, aujourd'hui encore, n'existe indépendamment des (plus de) 2000 ans de notre culture dont au moins 14 siècles s'affirment explicitement comme des siècles de religion.

Si les Lumières nous offrent la croyance en une sorte d'émancipation, il reste que l'argument pour une telle émancipation est encore un argument profondément chrétien. En évitant une confrontation réelle avec le divin, les Lumières ont permis au judéo-christianisme d'intégrer la pensée, la morale et les institutions sous le couvert de l'athéisme. Une confrontation avec notre histoire chrétienne est désormais nécessaire pour réellement se libérer d'éléments qui, aujourd'hui, sont tombés en désuétude et empêchent à la réflexion d'accéder à des réponses justes par rapport aux questions auxquelles elle fait face.

Dans « La vérité de la civilisation », mon essai du début du trimestre, j'ai

étudié la transformation qu'a subie le concept de vérité dans sa transition depuis le paradigme grec vers le paradigme romain. En somme, j'ai voulu étudier l'histoire de la vérité dans son rapport avec la question du droit. L'essai s'est centré sur les changements qu'a portés avec lui le déplacement depuis l'*alêtheia* (ἀλήθεια) vers la *veritas*.

Ma conclusion était que l'Empire romain a entièrement retourné la signification de la notion de vérité et lui a consacré le sens d'un « mur », d'un « barrage » (sens qui, à mon avis, perdure encore). Subséquemment, la notion de droit a pris le sens d'un système de défense, d'un *commandement* qui empêche contre la chute. Mon projet, en réalité, était de comprendre comment et pourquoi Rome a épousé Jérusalem, c'est-à-dire pourquoi le Christianisme (religion parfaitement étrangère au caractère romain, méprisée par plus d'un Empereur) a été adopté par Rome et comment cette adoption a changé le visage du droit.

Ce projet est toujours en cours, mais je suis encore très loin de pouvoir produire une ébauche de réponse.

Il y a de cela deux semaines, dans « Le Bien, le Droit, la Moralité », je me suis penché sur l'origine conceptuelle de la distinction entre droit et moralité en essayant d'analyser la culture protestante de la *common law*¹. À partir de la distinction luthérienne entre *justification passive* (justification par la foi seule) et *justification active* (l'œuvre divine, à jamais méconnaissable pour les hommes selon Luther), j'ai argumenté en faveur d'une transition depuis la distinction entre Loi et Moralité vers une distinction plus fondamentale : soit celle entre Bien et Moralité. Pour la *common law*, depuis l'immigration de la Réforme protestante en Angleterre, ce n'est pas tant qu'il n'existe aucun rapport entre « droit » et « morale », mais plutôt que la « loi »

entendue comme « Bien » est inconnaissable pour l'homme.

Ma conclusion était que, du moment « *qu'en dehors de la loi*, la justice de Dieu s'est manifestée² », un critère indépendant de l'emmêlement droit/moralité devait émerger à la conscience anglaise pour guider l'intervention judiciaire. Ce critère, ai-je brièvement suggéré en me référant à l'arrêt *McHale v Watson* (1966), serait de nature économique.

Law as Rule

Entre (1) l'affirmation d'une séparation droit/moralité et (2) la déclaration de *law as rule*, *law as a set of rules* ou *law as command*, une étape supplémentaire semble nécessaire. Effectivement, du moment que la loi, au travers de l'ignorance dans laquelle repose l'homme par rapport au dessein divin, perd son caractère sacré et obligatoire, comment le droit peut-il être assimilé, dans la *common law*, à un commandement ?

À mon avis, puisque c'est à Luther que l'on doit les fondements conceptuels³ de la distinction droit/moralité, et puisque c'est cette distinction (principalement) qui sert aujourd'hui de justification à l'étude du droit *as a set of rules*, on est en droit de chercher chez Luther, à nouveau, le sens originare d'une telle définition du droit.

En somme, comment le droit acquiert-il le sens d'un commandement s'il n'est pas appuyé par la notion de Bien ou de Vérité, c'est-à-dire s'il n'a pas ses assises dans une autorité transcendante ?

La réponse à laquelle je suis parvenu est peut-être décevante. La réponse à laquelle je suis parvenu, en fait, est qu'elle ne le peut pas. L'autorité dont le

droit tire sa force est toujours (ou du moins jusqu'à présent) au-delà du droit, autre que le droit.

Le positivisme luthérien

Avant d'entamer le vif du sujet, il est important de noter certains éléments de méthode relatifs à cet essai. Luther, en réalité, a écrit quelques ouvrages sur des questions politiques et juridiques. Initialement étranger à ce genre de question, il s'est cependant trouvé contraint par les circonstances à construire une certaine doctrine du droit.

Cependant, Luther a également affirmé que son « Évangile n'a rien à voir avec les choses temporelles de ce monde. C'est une chose bien à part qui ne concerne que les âmes, et il n'est pas de mon ressort de débrouiller ou d'expédier les affaires temporelles : il y a pour cela ceux dont c'est la vocation, empereur, princes, et autorités »⁴.

Comment concilier ces deux positions ? Le rejet de l'ordre temporel, d'une part, et, d'autre part, les écrits relatifs précisément à cet ordre ?

Luther est un grand écrivain. Son écriture est violente, libre, riche de boutades et, souvent, contradictoire. C'est que le souci premier de Luther n'est pas une cohérence doctrinale. Au contraire, ce moine s'avoue parfaitement antiintellectuel⁵. Luther est un prophète chargé d'une révélation spirituelle qui ne s'intéresse que très accessoirement et accidentellement au droit. En ce sens, ce ne sont pas ses textes relatifs au juridisme qui révèlent le mieux, à mon avis, sa pensée profonde sur le droit. D'ailleurs, ce ne sont pas ces textes de Luther qui ont imprégné les dévots, mais bien son « Évangile ».

Ainsi, c'est dans sa *théologie* en fait de conception du droit que nous retrouverons l'intention et le fond de la pensée luthérienne. C'est dans sa théologie que Luther a mis son cœur et c'est elle, sa doctrine religieuse, qui imprégnera les

âmes et la pensée. C'est également au travers de cette doctrine religieuse que nous comprendrons le sens du *law as command* propre à la *common law*.

Le principe matériel de la Réforme, c'est la *justification passive*, la justification par la foi. « Ni les pratiques religieuses, telles que l'acquisition d'indulgences, ni non plus les pratiques morales, telles que l'abstention du vol, de mensonge, de fornication, n'ont de valeur justificatrice⁶ ». C'est dire qu'à partir de la lecture luthérienne de l'*Épître aux Romains*, seule sauve l'homme la miséricorde gratuite que veut bien lui faire Dieu et que, de la part de l'homme, la foi suffit.

Une telle position se trouve aux antipodes de la conception catholique (et plus particulière de celle de saint Thomas d'Aquin) qui veut que *le droit soit l'ordre voulu et pensé par Dieu sur l'ensemble de la création*⁷.

Dans une de ses lettres, Luther s'exprime ainsi : « Sois pécheur, et pêche fortement, mais aie encore plus forte confiance, et réjouis-toi en Christ (...). Il faut pécher, tant que nous sommes ici. Cette vie n'est point le séjour de la justice (...). Je n'accorde rien à la Loi ni à tous les Diables. Celui qui peut croire en son cœur à la rémission des péchés, celui-là est sauvé. (...) on ne trouve nulle part la justice telle que la Loi la demande. ⁸ »

Pecca fortiter sed fortius fide et gaude in Christo.

L'indifférence résolue de Luther vis-à-vis de la loi et de la morale – indifférence qui formait la substance de mon dernier essai – n'est aucunement un pas dans la direction d'une sorte d'*éthique de la transgression*. Simplement, pour Luther, l'obéissance à la Loi n'a aucune portée religieuse. Elle n'a plus aucune place dans l'économie du salut : « la loi sans doute est nécessaire, mais non pour la béatitude. (...) La Loi est un vrai labyrinthe qui ne peut que brouiller les consciences, et la justice de la Loi est un minotaure, c'est-à-dire une pure fic-

tion qui ne nous conduit point à la béatitude, mais nous attire en enfer⁹ ».

Luther, contre la tradition catholique, méprise et le droit et les juristes : « si tout le monde était constitué de *chrétiens véritables*, alors il n'y aurait besoin ni utilité (...) ni de prince, de roi, de seigneur, de glaive – *ni non plus de droit*¹⁰ ».

Mais il y a très peu de « chrétiens véritables », sans doute même pas un seul.

Et c'est ici qu'intervient le positivisme luthérien :

Dans les Écritures saintes, Dieu a pourvu, pour la méchanceté terrestre, toute une série de *lois positives*. Selon Luther, cependant, ces règles octroyées par la miséricorde divine sont encore trop pures relativement à l'état corrompu de l'humanité. Le gouvernement de Dieu sur le monde s'exerce ainsi par les *lois des princes temporels*. C'est d'ailleurs la suite de ma quatrième référence : « ... les affaires temporelles : il y a pour cela ceux dont c'est la vocation, empereur, princes, et autorités. *Et la source dont ils doivent tirer leur sagesse n'est pas l'Évangile*¹¹ ».

Luther puise cette idée directement chez saint Paul, dans l'*Épître aux Romains*, « la pièce maîtresse du Nouveau Testament et le plus pur de tous les évangiles¹² ». Effectivement, le chapitre 13 des Romains traite du rapport entre le chrétien et le gouvernement. Saint Paul y écrit :

« (1) *Que toute personne soit soumise aux autorités supérieures; car il n'y a point d'autorité qui ne vienne de Dieu, et les autorités qui existent ont été instituées de Dieu.* (2) *C'est pourquoi celui qui s'oppose à l'autorité résiste à l'ordre que Dieu a établi, et ceux qui résistent attireront une condamnation sur eux-mêmes.* (3) *Ce n'est pas pour une bonne action, c'est pour une mauvaise, que les magistrats sont à redouter. Veux-tu ne pas craindre l'autorité? Fais-le bien, et tu auras son approbation.* (4)

Le magistrat est serviteur de Dieu pour ton bien. Mais si tu fais le mal, crains; car ce n'est pas en vain qu'il porte l'épée, étant serviteur de Dieu pour exercer la vengeance et punir celui qui fait le mal.¹³ »

Le droit n'est donc plus le fruit du juriste, mais du Prince. La source ultime du droit, si elle n'est pas Dieu, semble être les autorités que ce dernier a instituées. Luther pose l'obéissance aux *lois positives* comme une obligation pour le chrétien. *Law is command*.

Avec Luther, le droit est réduit, en essence, à une technique de répression produite à partir d'une rupture formelle entre les notions de droit et de justice. Elle perd entièrement son sens « moral », distributif (*suum cuique tribuere*) pour adopter la forme de la *sanction*. Le glaive devient symbole du droit, marque de son existence sur terre : « Pour Monsieur tout le monde (Herr omnes), on doit le pousser corporellement et grossièrement à travailler et faire sa besogne de sorte que bon gré mal gré, il soit pieux extérieurement sous la loi et sous le glaive¹⁴ ». Luther, au sujet du glaive écrit également :

« Dieu honore si grandement le glaive qu'il le nomme son ordre propre (...). Aussi la main qui porte ce glaive et qui égorge, n'est-elle pas la main de l'homme, mais celle de Dieu; et ce n'est plus l'homme, mais Dieu qui prend, roue, décapite, égorge et fait la guerre, et tout cela ce sont ses œuvres et ses jugements (...). Il ne faut pas considérer dans l'office de la guerre, de quelle façon il égorge, brûle, frappe, capture (...). Ce sont les yeux bornés et naïfs des enfants qui le font (...).¹⁵ »

Le but du droit est désormais la répres-

sion des pécheurs et le maintien de l'ordre sur le monde terrestre. Le droit n'est plus un instrument de la morale. L'étude du droit (quoiqu'une telle étude soit parfaitement inutile dans le contexte de la pensée luthérienne) ne peut se faire qu'à partir de l'analyse des *rules*, des *set of rules* et des *commands*, positives.

Je clos cet essai en relatant une histoire relative aux interventions pratiques de Luther, puisque Luther était, après tout, un guide temporel.

Lorsque la révolte paysanne, dans l'Allemagne du XVI^e siècle, s'est réclamée de Luther pour lutter contre les Seigneurs, il intervint effectivement... s'engageant du côté des seigneurs. Il stigmatisa l'audace des paysans d'avoir osé se révolter au nom de l'Évangile alors que l'Évangile ne connaissait rien d'autre que l'obéissance. En 1525, dans son *Exhortation à la paix à propos des douze articles de la paysannerie souabe*, il écrit :

« Vous dites que l'autorité est trop mauvaise et intolérable : car on ne veut pas nous laisser l'Évangile, on nous écrase de charges bien trop lourdes, on nous fait périr corps et âmes. À cela je réponds : que l'autorité soit mauvaise et injuste, cela n'excuse ni attroupement ni révolte. Car le soin de châtier la méchanceté n'appartient pas à chacun, mais à l'autorité temporelle qui porte le glaive, comme dit saint Paul¹⁶ ».

Souffrir et subir la croix, voilà le seul droit des hommes :

Leiden, leiden, Kreuz, Kreuz, das ist der Christen Recht, das un Kein anders.

Avec l'arbitraire du Prince et l'irrationalité de la loi, la source ultime du droit devient le commandement arbitraire (qui s'oppose précisément au commandement juste ou légitime). *Law as « a » set of rules*. Le droit comme « un » ensemble de règle; l'article *indéfini* nous indique le jugement qu'on pose sur l'objet étudié. Plus qu'une « objectivité » - terme que j'ai toujours énormément de mal à cerner - l'analyse « scientifique », l'étude « positiviste » du droit s'avère être, au mieux, une forme d'humilité et, au pire, une forme de servilité devant la présence d'une autorité supérieure qu'on n'ose tenter de définir.

Reste tout de même à savoir s'il est mieux de ne pas tenter de définir ce qu'on ne comprend pas, ou s'il vaut mieux mal le définir.

¹ Luther, il est important de le rappeler, a mis au banc toute la scolastique (scolastique qui a fortement imprégnée le droit civiliste) pour réapprendre le christianisme à partir des écrits de saint Paul.

² Rom., III, 21-24.

³ Par opposition aux fondements pratiques que l'on pourrait retracer à la conquête des Îles par Guillaume Le Conquérant.

⁴ Cité par G. Casalis, *Luther et l'Église confessante*, Seuil, Paris, 1962, à la page 154.

⁵ « La raison, c'est la plus grande putain du diable (...) qu'on devrait fouler aux pieds et détruire, elle et sa sagesse. Jette-lui de l'ordure au visage pour la rendre laide. Elle est et doit être noyée dans le baptême. Elle mériterait, l'abominable, qu'on la relègue dans le plus dégoûtant lieu de la maison, aux toilettes », dans *Weimarer Ausgabe*, 16, p. 142, cité par Michel Villey, *La formation de la pensée juridique moderne*, PUF Quadrige, Paris, 2003, à la page 294.

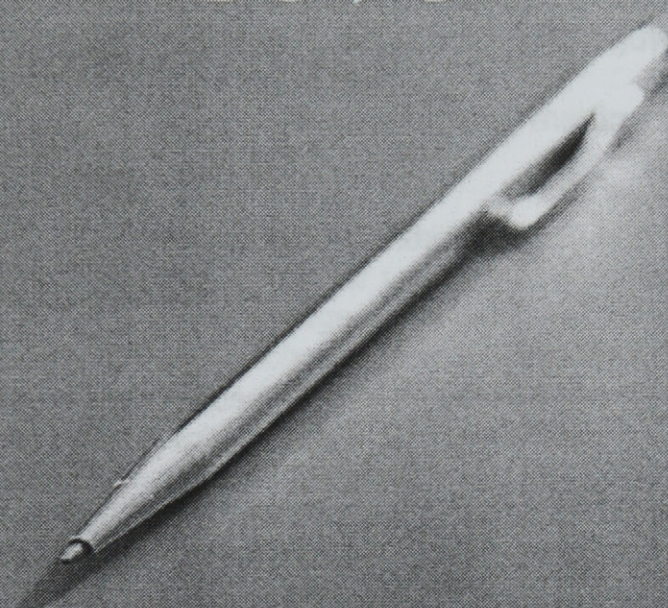


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P R E S E N T S

ABC - QUÉBEC *Legal Essay Writing* Contest 2010



IN PARTNERSHIP WITH
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JURY

Ms. Carine Bouzaglou

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Ms. Anne-Marie L. Lizotte

Mr. Sylvain Lussier, Ad.E.

Mr. Nicolas Nadeau Ouellet

Ms. Julie Patry

1st place

**SOQUIJ prize
of \$1500**

2nd place
\$1000

3rd place
\$500



Société québécoise
d'information juridique

To participate*, you must
submit a legal essay
of 8 to 12 pages answering
the following question:

M. Lightfoot, alpinist,
has entered into a contract
with a Québec company to
advertize mountain shoes.
Informed that the company,
which manufactures the
shoes in its factory in
Absurdistan, systematically
refuses to hire women,
he now wishes to terminate
the contract and claim
damages. Can he do so?

**The Essay must
be submitted
by May 31st, 2010.**

* The Contest is reserved
to the students registered
in an undergraduate program
of Law in a Quebec university
or in the Civil Law program
at the University of Ottawa.

For the complete rules,
visit www.abcqc.qc.ca.
For more information,
contact Ms. Geneviève Cabana
at gcabana@abcqc.qc.ca

Carnival Week - Semaine du Carnaval

ACTIVITÉS / ACTIVITIES

MONDAY

Trivia

Venez évaluer vos connaissances lors d'une partie compétitive de Trivia. Come win points for your year as part of the week-long carnival contest!

12:30 to 13:30 in the Atrium! Don't forget your thinking caps!

Hide and Seek in New Chancellor Day Hall
Remember how much you LOVED hide and seek when you were young?

Le 15 février 2010, ne ratez pas votre seule et unique chance de jouer à CACHE-CACHE dans le New Chancellor Day Hall!!

From 5:30-6:30 p.m., we'll have three rounds of hide and seek: in each one, one team will hide and another will seek, and we'll use the time it took for everyone from the hiding team to be found to calculate points.

MARDI

* Skating in the Old Port*

Come skate in the Old Port - an enchanting environment! Location de patin possible et seulement 3\$ pour patiner (si vous confirmez votre présence à l'avance).

You will get points for your presence - but additional points if you can do special tricks!

We will meet at the Law Library around 6pm and will then walk to the skating rink.

WEDNESDAY

En matinée

Coloriage des murs

Venez montrer votre appartenance à votre Carnaval. Paint or draw what you think of Rio, Venice, or Quebec. You don't need art skills (though those are great, too!!)

*Karaoke Night *

Venez nous montrer vos talents de chanteur à 17h à la Thomson House.

Come to the basement and sing your heart out to all the hits! Points for being there - not for talent :-P

JEUDI

End of Carnival Party

Venez danser avec votre plus beau costume au Club Karma

You won't want to miss this - drink specials all night and prizes will be awarded!!

Billets 7\$ à l'avance et 10\$ à la porte.

Les billets seront bientôt mis en vente:

Les portes ouvriront à 10h.

Les profits de cet événement seront remis au McGill Law Model UN !

Special prices on alcohol:

Cocktail speedrack a 6\$ (vodka, gin, rhum)

Shooters speedrack a 3\$

Bière molson dry ou coors light a 4\$

Bouteille Kamouraska 26oz a 100\$

Des prix seront remis lors de la cérémonie de fermeture du Carnaval qui se déroulera au courant de la soirée!

HAPPY CARNIVAL!!!

Keep in mind that it is a competition between years!

1L will represent "el carnaval de rio"

2L le carnaval de Québec

3L-4L: carnavales de venezia !

Soyez créatif :D!!!!

An interview with McGill's first black law grad - and Quebec's first black lawyer

by Anthony Morgan (LAW II)



In 1956, Frederick Phillips became the first black person to graduate from McGill's Faculty of Law - and, once he passed the bar - the first black lawyer in Quebec. On the occasion of the 19th Annual Conference of the Black Law Students' Association of Canada - coming up this Feb. 18 to 21 in Montreal - McGill law student and BLSAC president Anthony Morgan sat down with the 85-year-old BCL'56 alumnus, who lives in Montreal with his wife.

Anthony Morgan: What were your first impressions of McGill's Faculty of Law?

Frederick Phillips: I was lost like a lot of students - I didn't know anybody. In first year law, our class was composed of - if I remember it correctly - 96 students. But the room we were in only had 54 seats, so if you came late, you had to stand up. At the end of the first three months, that law class reduced from 90-something to 50-something students. The others just couldn't make it. Also, in our class there was just one woman. At that time there was only one woman judge in the whole court system.

Anthony Morgan: What was it like being in that environment?

Frederick Phillips: I never used to think of myself as being black, you know? I was more concerned about getting my degree and getting to practice. My father was a porter for the CNR. I had been in the Air Force for three years. I was like a privileged class (chuckles) - but not only [compared to] other black guys, but also the white guys.

Anthony Morgan: What brought you to law school?

Frederick Phillips: They had three options for veterans to get into college if you didn't yet have your high school diploma. There was an option to do grade 8 through 11 in one year. If you failed one of those grades, you lost your entire service grant. Some of the guys took their service grant, to be safe, as a lump-sum of money, and others used it to go into business, like a loan or an advance. I had left school in grade 10 in 1939 because my father couldn't afford to buy me a history book. But I figured I would I take my chances - so I took grade eight, nine, ten and eleven in one year. Luckily I passed, so I was able to go to McGill to do my BA. There were two options in Montreal, Sir George Williams where you could get your BA, or McGill. I chose McGill because I knew it was famous, and to tell you the truth, I hadn't heard of George Williams. I could have gone to University of Montreal, but I wasn't that sure of my French.

Anthony Morgan: So why did you decide on law?

Frederick Phillips: It just sounded a lot better than being a CNR porter! (laughs)

Anthony Morgan: When you left law school, did you find there were any barriers for you as a black man practising law?

Frederick Phillips: In fact, judges were very helpful to me. They wouldn't go out of their way, but they were always, [addressing me as] 'Mr. Philips', you know? But by that time I was already practising. I was fortunate that when I was in law school, I met a Jewish guy named Bloomfield. We became friends. I had him over my house and he certainly never had any contact with black people before. He used to notice that I would say hello to every black person I met. It was because Marcus Garvey [founder of the Universal Negro Improvement Association and African Communities League] started that in the States - he said you should always recognize another black person. Bloomfield would call it the Marcus Garvey rule (laughs).

Anyway, Bloomfield passed his bar before me, and opened up his office. He had a good memory and passed his bar, but he wasn't a real studious lawyer. So when I finally passed (my bar exam) I went in to work with Bloomfield. We had our first office right in downtown Montreal. But there was another lawyer, who was rich, his parents owned a big house on Victoria [Avenue]. He was heights above us in his knowledge of the law. But he was a homosexual and in court it wouldn't work out [because many people at the time wouldn't accept it]. The three of us were misfits, but we were misfits who fitted together, and we opened up a law firm afterwards.

Anthony Morgan: So what do you feel that you gained from your legal education at McGill Law?

Frederick Phillips: I gained a better living than I would have otherwise. I was a lawyer - Montreal's only black lawyer. But of course you couldn't take that to the bank (chuckles). As one of my best friends said to me, being the first black lawyer in Montreal, that plus two dollars would only get you a cup of coffee at the Brown Derby (laughs). The Brown Derby was a restaurant at the corner of Victoria [Avenue].

Anthony Morgan: What is your proudest achievement in your legal career?

Frederick Phillips: That I practiced law as the first black lawyer in Montreal, and I did it for 36 years. I'm proud of that. I never had any high intentions of 'leading my people' anywhere. I wasn't interested in being a great black lawyer or anything like that. I was interested in making a living better than my father had. So what did I want out of my legal education? To earn a living! And that was my motivation.

Anthony Morgan: What kind of advice would you give to black law students today?

Frederick Phillips: Get through your law degree, and find some way to get into a law firm to indenture, which isn't easy because still

you're going to run into barriers. [If] a black person walked over to this table and said to us, 'Do you know where you can find a black lawyer or a black law firm in Montreal?' Me, I don't know. Think about that. We're now talking about 2010. We're sitting here at this moment and have a hard time answering that question. There are still barriers that exist. My only advice to black law students is to do it the recognized way.

—By Anthony Morgan

Conference Details:

The 19th Annual Conference of the Black Students' Association of Canada will be hosted in Montreal from Thursday, Feb. 18 to Sunday, Feb. 21, 2010. With the theme "Partnering for Progress and Unprecedented Possibilities," the conference will feature a Gala Keynote Address by Justice Juanita Westmoreland-Traoré, special luncheons with Professor Peter Hogg and Justice Adrian Saunders as speakers, a discussion on Ontario's recently-ended legal aid boycott, a look at racial profiling in Canada in the context of the shooting death of Fredy Villanueva in Montreal North, the 3rd Annual Koskie Minsky Diversity Moot - among many other exciting lectures, activities and discussions.

To see the full program, register online, or to donate to the BLSAC, please go to www.blsacanada.ca. Registration closes February 17th.

All are welcome!

—
Anthony N. Morgan
President (2009-2010)
Black Law Students' Association of Canada
B.C.L./LL.B. Candidate Class of 2012
McGill University, Faculty of Law

continued from p.2

anti-stalking legislation. As I skimmed through the article, however, I became intrigued. I never knew Canada had a stalker law. And so, in the spirit of Valentine's Day and my innate curiosity of the unknown, I cannot think of a better time to pursue the subject.

In the late 1980s, the words "stalking" and "stalker" acquired currency in the media when a series of well-known celebrities suddenly found themselves being pursued by adoring, but obsessed fans. Canadian singer Anne Murray was stalked by a Saskatchewan farmer despite several court orders directing him to stop. David Letterman was pursued relentlessly by a woman who, in addition to claiming to be his wife, broke into his home and stole his car. In 1989, Rebecca Shaeffer, star of the television show "My Sister Sam", was murdered in her L.A. apartment after an obsessed fan followed her home. Shaeffer's murder confirmed that stalking was more than a media neologism; it was an actual social problem in need of a legislative remedy. On January 1st, 1991, California became the world's first jurisdiction to enact an anti-stalking statute. Within a three-year period, 40 other American states had drafted similar legislation.

Canada enacted Bill C-126, *An Act to Amend the Criminal Code and the Young Offenders Act*, on August 1st, 1993. The Bill itself contained a miscellany of provisions dealing with family violence, child abuse and violence against women. The heart of the legislation, however, resided in its new offense labeled "criminal harassment." Section 264 (1) of the *Criminal Code* now provides:

No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reason-

ably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

Section 264(2) goes on to describe what kinds of behavior are deemed criminal in nature (for instance, following someone from place to place or watching someone in their "dwelling-house"). What was most remarkable about Bill C-126, however, was the speed in which the legislation passed Parliament: it required no more than six weeks for the Bill to proceed through First, Second and Third Readings.

And so, in a disjointed and random way, this venture into the land of stalking is my way of wishing everyone in the Faculty a Happy Valentine's Day. If you are loving someone from afar (such as in a tree branch on top of his/her house), this might be the time to reconsider your strategy. If you intend on repeatedly sending your crush schmaltsy cards anonymously, I hereby recommend you reveal your name and include a disclaimer that you have no intent to stalk. Otherwise, you might be looking at some serious time: a convicted stalker is liable to a term of imprisonment for up to ten years. *Ain't love grand?*

1. Bruce MacFarlane, "People Who Stalk People" (1997) 31 U.B.C. L. Rev. 37 at 37.
2. Rosemary Cairns Way, "The Criminalization of Stalking: An Exercise in Media Manipulation and Political Opportunism" (1994) 39 McGill L. J. 379 at 380 [Way].
3. Criminal Code, R.S.C. 1985, c. C-46, s.264
4. Way, *supra* note 2 at 397.

Computer Corner: Maximize that summary - or how to create an index

by Narimane Nabahi (LAW Alumnus)

One of the features most useful in Microsoft Word is the automated table of contents ("TOC") function. For those who don't know how to do this, I invite you to read the article that I wrote last year on this topic (<http://www.twistlaw.ca/computercorner.php#3>). We all know what a headache it is to create your TOC manually. So don't do it! Beyond TOC, what other tools do we often use to find information in a document? If your mind has drawn a blank, it means you haven't opened your Civil Code yet. It also means you have already forgotten the title of this article. Indexes are, to some degree, even more powerful than a TOC. While a TOC can assist you in understanding the structure of a document, it is often ill-suited to assist you in pinpointing the exact location of specific information.

Here is an example: let's say that your contracts teacher asks you to find the various types of contracts described in the Civil Code. For this task, the logical thing to do is to look through the TOC of the Civil Code and to read the various headings. On the other hand, if you are looking for a specific type of contract, you should instead consult the index for two main reasons. First, it will be faster to locate the appropriate articles. Second, it might point you toward other parts of the code where a particular type of contract is also mentioned.

Why not apply the same logic to a summary? Most summaries, whether we write them or find them on PubDocs, include a TOC. That's a great first step, but how about adding an index? This might sound complicated and useless but, in reality, it is quite simple to do and very useful.

It will be useful for your own summaries and even more practical for summaries written by third parties. Imagine that you create an index for your summary. Now assume you find a great summary on PubDocs. It might not be structured in the same way as your own summary. It might not contain a TOC. An index will maximize the value of that PubDocs summary. Once you have created your index, you will be able to reuse it and apply it to another document within a minute or two. If you ever get stuck in an exam, you can use the index of the second summary to quickly locate pertinent information on a particular topic.

There are four steps to create an index. Step 1 consists of identifying the keywords you want your index to contain. Step 2 is creating an index file. Step 3 is tagging the entries in your document. Step 4 is inserting the index in your document.

Step 1 – Choosing Keywords for Your Index

The question for this step is: how does one identify keywords, or 'index entries'? The answer is relatively easy. Anything you want to see in the index should be an index entry. One way to do this is to manually write out a list of entries. You could look at your notes and identify relevant entries. For example, on the topic of torts, relevant keywords could be "duty of care", "1457", "damages", "causation", etc. Note that it does not need to be one word: you could type a whole sentence as an index entry, or even a case name.

To "tell" Word what your entries are, the first step is to create a new Word document. If you go down the manual approach road, you would start to type an entry per line. Your document would look like this (see Figure 1):

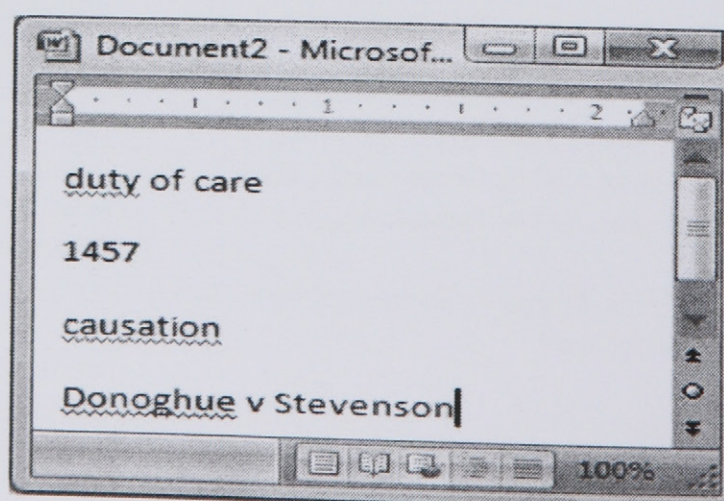


Figure 1 - Basic index entries

A nice way to get tons of entries is to copy your TOC in this new document and to simply extract relevant keywords from all of your headings. That is my favorite way. To paste the TOC in the new document, use the "Paste Special" command which can be found in the ribbon (see Figure 2).

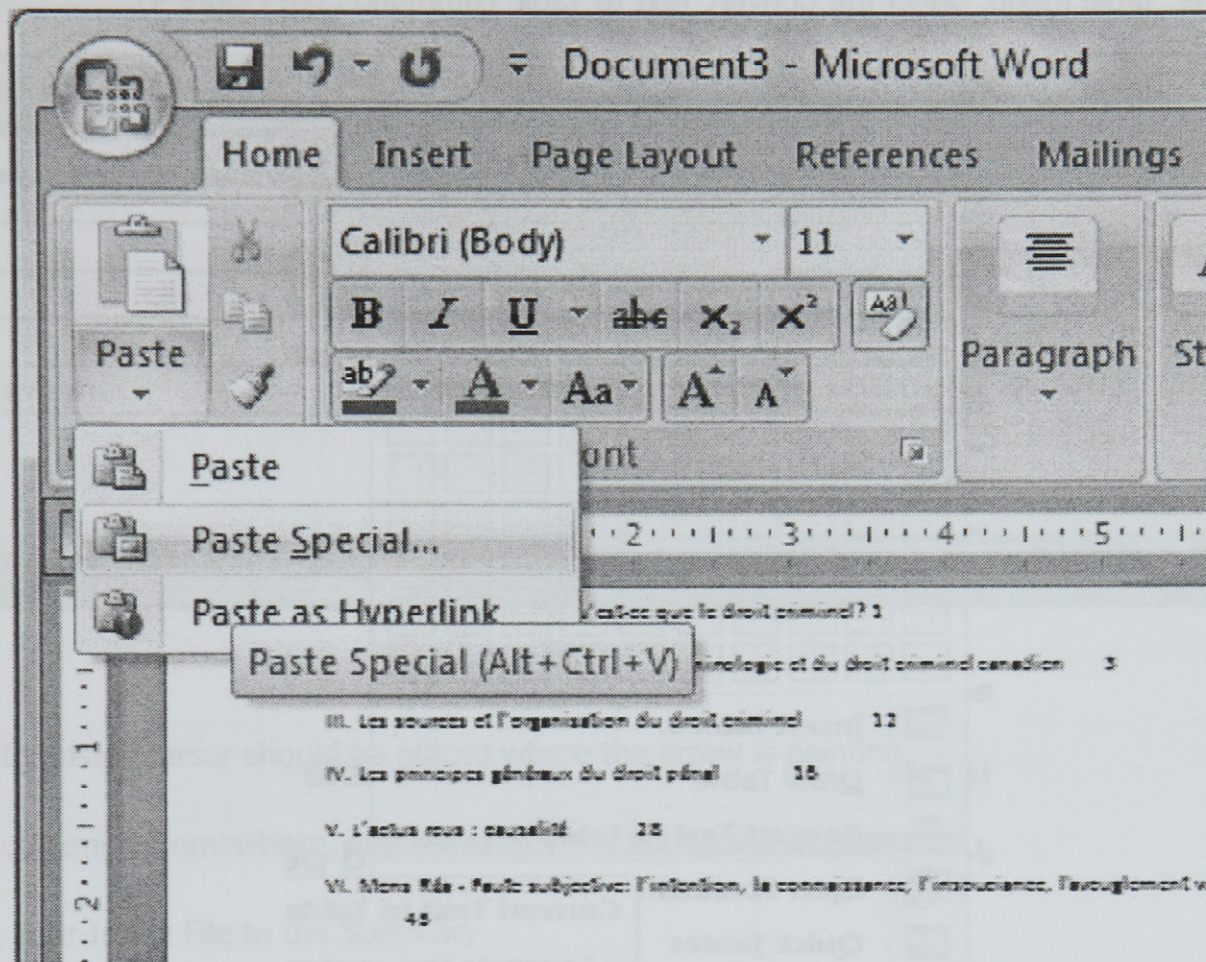


Figure 2 - Paste Special command

Paste the TOC as "unformatted text". This will enable you to quickly go through it and clear out anything that is not a keyword.

Once you have a Word file containing one index entry per line, you are done with step 1. It is critical that you finish this step with a Word file containing one index entry per line, nothing more and nothing less.

Step 2 – Proper Index Formatting

The next step is to transform the file you created in step 1 into an index format Word can understand. The format Word expects can be seen in Figure 3. Essentially, you are looking at a table with two columns, with each row containing the index entry twice. This step is easier than the previous one.

 A screenshot of the Microsoft Word interface showing a table with two columns and four rows. The table contains the following text:

duty of care	duty of care
1457	1457
causation	causation
Donoghue v Stevenson	Donoghue v Stevenson

 The status bar at the bottom indicates 'Words: 16' and '100%'.

QUID NOVI

Figure 3 - Index file format

The easiest way to go from the file seen in Figure 1 to the one seen in Figure 3 is as follows.

1. Select every line of text.
2. From the Insert & Table menu, select the Convert Text to Table command (see Figure 4).

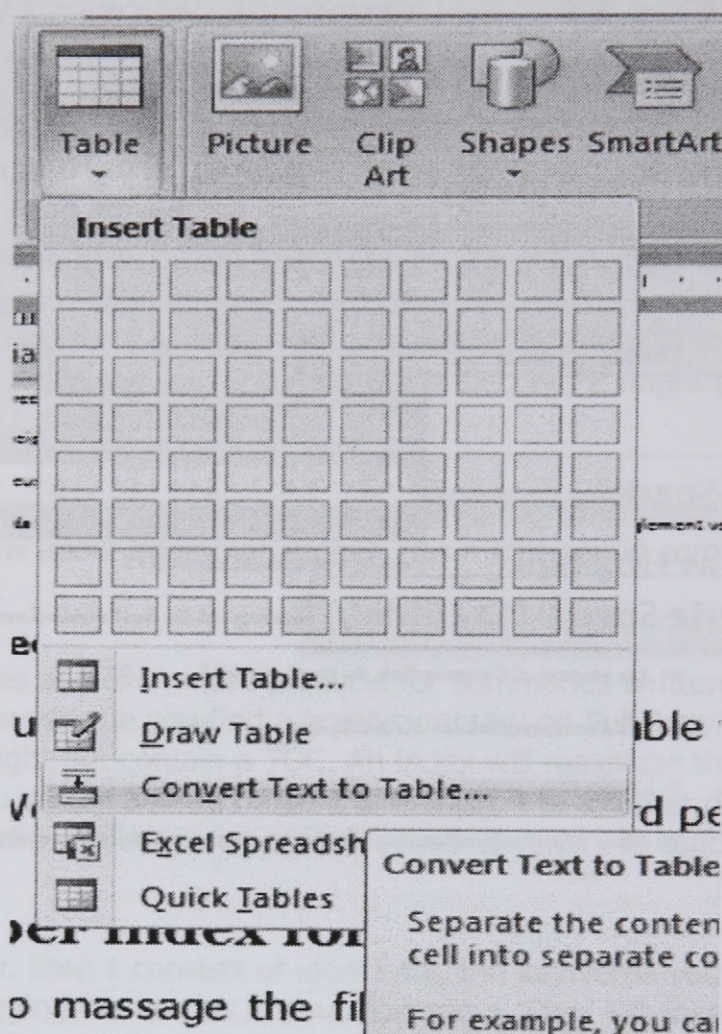


Figure 4 - Convert Text to Table command

3. Ensure you select the "Separate text at Paragraphs" option. Select OK.

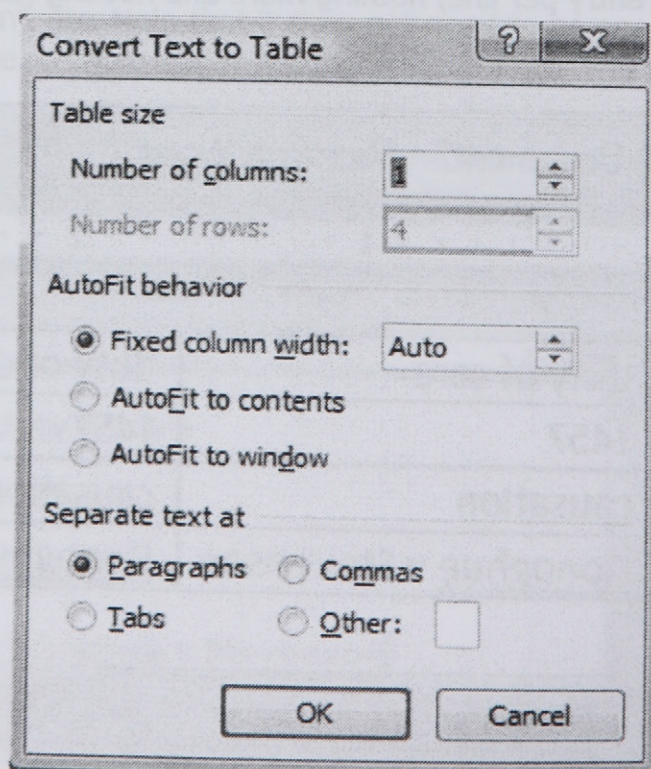


Figure 5 - Convert Text to Table dialog

4. You should now have a table with one column, and as many rows as you had index entries.
5. Select the first (and only) column, copy it and paste it at the end of the first column (see Figure 6). This will give you a document like the one in Figure 3. If the column is too wide to begin with, you can shrink it before performing this step.



Figure 6 - Where to paste: cursor should be placed where the arrow is pointing

6. Save the document somewhere, and remember the name and location.

Step 3 – Applying Your Index File to the Summary

You should now open your summary. When completed, this step will add all sorts of hidden data to your summary. I would recommend doing the following only on a copy of your summary. It is not necessary but recommended. Under the References ribbon tab, select Insert Index (see Figure 7). This is slightly counterintuitive because we are about to mark entries and not about to insert an index.

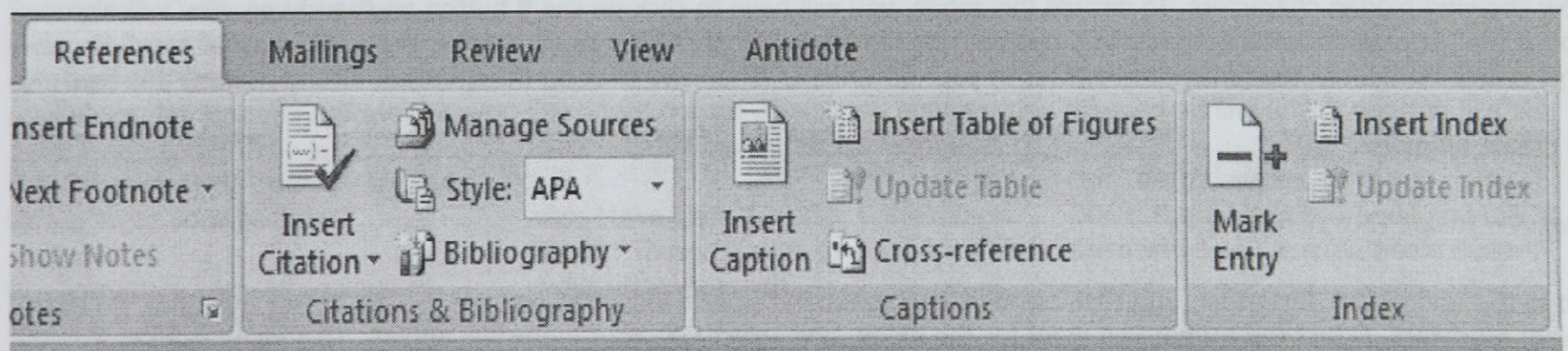


Figure 7 – Insert Index command

From that dialog, select AutoMark. Another dialog will appear, asking you to select a file. This is where you want to select the index file you created. Once you select the file, Word will show you your document but it will look different. Your screen will look a bit like this:

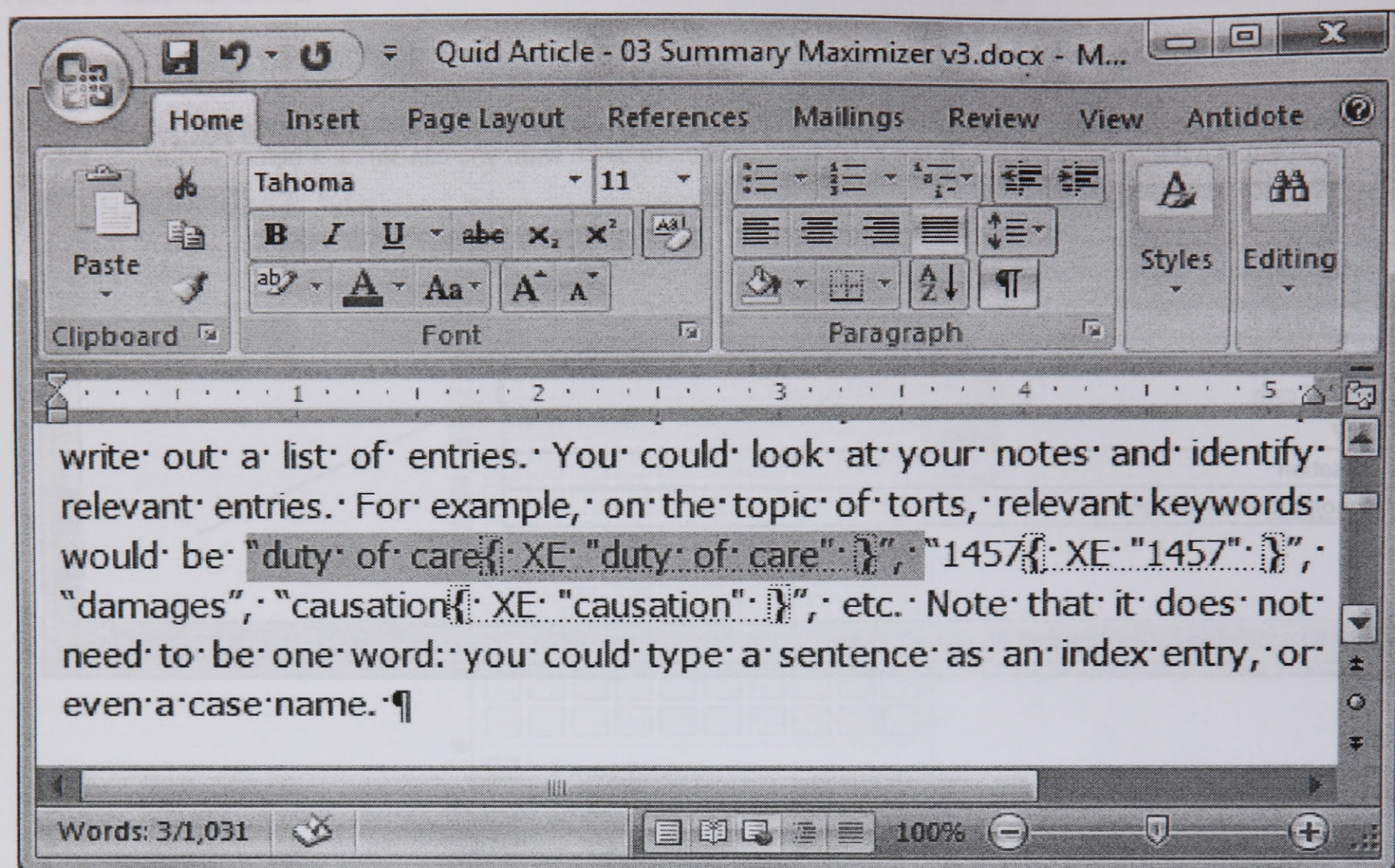


Figure 8 - Index entries

The reason you see the dots between the words and the paragraph mark at the end of the paragraph is because Word is now showing hidden characters. To disable this mode, you will have to click on the ¶ button on the ribbon. You will also notice that in your document, words that can be found in the index are followed by a string like { XE "duty of care" }. This is Word's hidden way of marking entries in your document. When you click on the ¶ button on the ribbon, this type of text will disappear. You will be left with your original document, except that it will now contain the information needed to create an index.

Step 4 – Insert Your Actual Index

Go to the end of the document, and click on the same command (insert index) as you did in Step 3. But this time, do not select AutoMark. Select the format you want for the index, and select OK. Your index will appear. This index itself is a field, so if you want to update it, click in the middle of the index and press F9. This will update the index. This can be handy if page numbers have changed since the last time you created or updated the index.

This is a simple take on index creation. If you really want to create more complex indexes, you can read the following article (<http://office.microsoft.com/en-us/word/HP012264991033.aspx>). You can also redo steps 3 and 4 on other files if you wish to reuse the same set of index entries.

You can find this column with hyperlinks online at www.pctechjournal.com. You can find older columns and more at www.twistlaw.ca. The author can be reached at Narimane.nabahi [A...T] mail.mcgill.ca.

**Abdelkader Belaouni and his lawyer, Jared Will, speak at the Moot Court
next Wednesday, the 10th, from 12.30-1:30 pm**

Abdelkader Belaouni's struggle for status in Canada lasted 3 years, 9 month and 22 days. This is the amount of time Kader spent at Montreal's St Gabriel Church since January 1, 2006 until the granting of his status in September of 2009. Prior to the legalization of his status, Abdelkader found sanctuary in this Montreal Church as his only alternative to evading a deportation order. Having lost his vision earlier in his life, Belaouni's story has become a living example of a hero who not only won the victory against immigration controls, but also surmounted ableism within Canada's immigration system.

According to the Canadian National Institute for the blind, only 25% of working people with vision loss are employed and only 30% of those have permanent employment. These systemic barriers in the integration of blind residents in Canada are illustrative of the debates that often surround the topic of disabled applicants' treatment within Canada's immigration system. Another systemic impediment in the admission and integration of disabled people into Canadian society is s.19(1)(ii) of the former Immigration Act.

According to this provision, one can be denied an application for permanent resident status in Canada on grounds of medical inadmissibility, namely because of a disability that would cause an excessive burden on Canada's health care system. A similar paragraph 38(1)(c) came into force at the repeal of the former Immigration Act and the passing of the new Act in 2001.

Belaouni's legal struggles showcase many of the obstacles that disabled applicants face in pursuit of legal status in Canada. What is the attitude of Canada's immigration system towards disabled applicants? What does medical inadmissibility entail in the context of Canadian immigration law? Jared Will and Belaouni will help cast a light on these and other questions in their upcoming presentation next Wednesday (the 10th), from 12:30-1:30 pm in the Moot Court.

****This event is collaboratively organized by the Immigration/Refugee Portfolio in association with Pro Bono McGill, Disability & the Law, Community Law and the Radical Students' Association (RadLaw)****

Coffeehouse: Do's and Don't's

by Malcolm Aboud, Jonathan Asselstine, and Francisco Torres (LAW II)

Sponsored Coffeehouses are in full swing for the season. Here are a few do's and don't's from seasoned Coffeehouse vets for Thursday afternoons.

Do: Come straight from the library.
Don't: Wear your backpack.

Do: Introduce yourself to lawyers.
Don't: Act like Sisco and ask lawyers out on a date.

Do: Enjoy finger foods from the firms.
Don't: Assume they'll absorb all the wine you drink.

Do: Take advantage and get drunk for free.
Don't: Take advantage and get drunk for free.

Do: Drink red wine.
Don't: Spill red wine.

Do: Make small talk with students of the opposite sex.
Don't: Expect them to go home with you (immediately after Coffeehouse).

Do: Make plans for after Coffeehouse.
Don't: Expect them to happen when your buzz wears off.

Do: Chat with the lawyers.
Don't: Call it networking.

Do: Study before.
Don't: Expect to study after.

Do: Get a business card from the lawyers.
Don't: Think it's the only business card they've given out.

Do: Remember the moment.
Don't: Let Charlie's camera remember it for you.

Do: Talk to lawyers.
Don't: Pull a Malcolm Aboud and talk to them while you're eight beers deep.

Do: Follow SENOR Matt and always be sure to have two vodka-red bulls in hand.
Don't: Listen to SENOR Matt.

Do: Plan your exit strategy when you're speaking with lawyers.
Don't: Forget to use it. Nobody likes a clinger.

Do: Check out what Jonny Asselstine is wearing.
Don't: Wear that.

Not Rocket Surgery

by Michael Shortt (LAW I)

"You'll probably hate me for this, but our grades are up on WebCT," I said. "What are you talking about? I don't see anything," she replied. "Um... I'm looking at them right now," I said. "Wait, is Minerva the same thing as WebCT?" she asked in confusion.

Hence this week's topic: Information Technology at McGill.

1) **My McGill** (<http://my.mcgill.ca>): This is your one-stop website for ALL McGill content. By logging on here using your McGill email and password, you get access to Exchange, WebCT, Minerva and the library. You can also customize various newsfeeds to display McGill events, weather, class cancellations, etc.

2) **Elms** (<http://elms04.e-academy.com/mcgill/>): Free software you can download from McGill. Simply

surf over to this website and switch to the "free products (students)" tab. There is a variety of software packages available, including anti-virus/security software, statistics packages, citation software, etc. The software needed to set up a McGill VPN (the program that allows you to log on to McGill-only websites from home) can also be found here.

3) General tips:

a) Minerva forces you to change your password often, and won't let you choose the old one again. But you can still change it back to your old password right after changing it for the first time.

b) The library's "Classic Catalogue" works far better than the new one. Use the small link to the old catalogue instead of the main search function.

c) You can remove old courses from

WebCT by clicking on the little pencil icon.

d) The VPN lets you access all McGill services from home as if you were using an on-campus computer.

e) If internet explorer won't let you access WebCT, try using Firefox instead.

f) You can renew books borrowed from the library online by signing in to your library account through <http://my.mcgill.ca> and clicking on "loans/renewals."

g) More IT information can be found here (<https://home.mcgill.ca/it/>) including, among other things, data recovery/computer repair, laptop rentals, calibrating your laptop for securexam, etc.

Pirates of Penzance

by Chase Barlet (LAW I)

For those engrossed with their work to the point of exhaustion, you may be unaware that the incredibly-talented McGill University Savoy Society is currently putting on quite the spectacle just a few dozen metres away at Moyse Hall this week.

Gilbert and Sullivan's Pirates of Penzance have set sail on a hilarious yet dramatic voyage. This musical tale begins as our man of duty, Frederic, who had been indentured to the pirates for 21 years as a result of an unfortunate yet delightfully funny mishap, completes his apprenticeship and announces that he will not only be leaving the ship and crew behind but will work towards seeing their extermination (though he insists that he loves them all individually).

Before Frederic leaves his cohorts, how-

ever, there is the matter of the Ruth. This 47-year-old nurse adores Frederic, but as he has never seen another woman before in his life, he wonders out-loud whether he might wait to see if there might be someone more beautiful out there. This is indeed practical. Just moments later, a hoard of beautiful maidens appears from over a rocky hill. Upon seeing them, Frederic, acutely aware that his wardrobe is simply not presentable to these treasures, hides behind some rocks.

The hilarity begins. The cluster of women - giggling, smiling, and posing all the while - are stunned by the beauty of the sea. Edith, one of the sisters who keeps the audience laughing out loud throughout, insists that the pack profit from this pristine water. Why not take off all their...shoes! Article by article, the pack justifies why each piece

of clothing should go to ensure both clean outfits and maximum swimming enjoyment. Just before they can lose anything else, Frederic emerges and insists the women best not go any further. Retrieving their clothes in shock and embarrassment, the women are soon won over by Frederic's serenades as he pours out his soul and looks for love. Though mesmerized, none of the women appear interested in actually returning the flattery.

Except one. Dear Mabel, whose voice could carry across the Atlantic itself, appears from over the rocky hill and, after some obvious and amusing ambivalence, gives into Frederic's courtship. Unfortunately, the immediate return of the pirate gang and their attempted capture of the other women (for they're simply too beautiful NOT to want to marry at once) puts a damper on the

mood. Cue the Major General, the girls' father who arrives and quickly calms the situation. Perhaps the most famous and catchy song, "I am the very model of a modern major general," lightens the mood as the pirates ultimately abandon their kidnapping plans insisting they couldn't take the girls from their father because he (as he wrongly claims) is an orphan.

Immediately, the major general beams his lie. Meanwhile, Frederic has gathered a police squad to prepare for his mission to rid the seas of his former pirate gang. Unfortunately, a technicality, in the form of a hilarious paradox, strikes Frederic with some stunning news. Frederic was born on Leap Day. Though he has lived for 21 years, he has had but five birthdays. His commander returns to inform of this and his duty, which Frederic vows to uphold. He insists Mabel wait for him as he waits for his 21st birthday to arrive, some 63 years down the road. She, comically, agrees, even though it "seems so long."

Back in the ranks under the Pirate King, Frederic admits a shocking confession.

He has learned that the major general is not an orphan, and it is his duty to tell the commander. Not impressed, he vows revenge, and with no recourse on account his commitment to duty, Frederic does too.

Soon, the pirate gang arrives to the major general's home with a bounty of burglarious tools, ready to take what they have decided is rightfully theirs: the women. The noble police officers hide as the major general and his daughters enter, quickly overtaken by the pirates. The major general is told to prepare for death while dear Frederic, unable to stop this atrocity, finds himself entrenched in his duty. The police officers have decided the time for intervention may be nigh, if one is to exist. They emerge enthusiastically, but they too are soon overrun.

It appears the pirates are moments away from taking their vengeance, and with the major general and his daughters trapped, the officers subdued, and Frederic lost in his conflict of duty, things are looking pretty grim. Will the major general be spared his life? Or will

the daughters soon find themselves brides at sea?

That, fellow cohorts, is where I must leave you hanging.

Directed magnificently with an accompanying orchestra that brilliantly performs the music with perfect rhythm, the cast puts on a show worth seeing. I, admittedly, required two visits to the performance to get my proper fix. The tunes are catchy, funny, and presented by an able, passionate cast. The music is upbeat, well-played, and relentlessly entertaining. The orchestra even features the Faculty of Law's own Illana Ludwin, a 1L, a tremendous flautist.

You still have a chance to check out the performance this week as the Savoy will be running this musical delight from February 18 – 20. Tickets (\$12 for students, \$20 general admission) and more information are available on the Savoy's website at <http://www.mcgill-savoy.ca/>. Enjoy! You won't want to miss this one!

Dear Abby

by Abigail Becraft (LAW III)

Abby, I'm not sure if it's all those late nights getting to me, but I was recently at the library and found myself tempted by a student not in law. Is it wrong to date a SNAIL or is this a sign of desperation?

Sincerely,

Sleepless in Second Year

Dear Sleepless in Second Year,

Most SNAILS are undergrads.

Now this column is anonymous, but given that the average age of a McGill law student sit somewhere around 25, my guess is that you fall somewhere in your mid-twenties. I know that law school can cause moments of desperation, but let's not actually become desperate.

Abby, I'm in third year, but in love with a first year who barely knows I exist.

What should I do? What is the best way to get someone's attention at law school?

Sincerely,

Passively bilingual but actively yearning

Dear Passively Bilingual but Actively Yearning,

The answer to this question depends on what type of third year you are:

1) Graduating Spring 2010

Restrain yourself. When we return from reading week there will be a mere 2 months left of our Chancellor Day Hall sentence. Law school goggles come off on May 1st, - do not do something you will regret between now and then.

2) Graduating December 2010

If you are not graduating for another 10 months, things may be different. You will not be spending Thursday nights outside of the CDH atrium for a while, which greatly limits your romantic options. So in order to get the attention of this 1L, I would recommend that you find the most amazing contract, torts and constitutional summaries you can get your hands on, and then post them on Pubdocs under your name. You will instantly be a god to the first year class and your 1L crush will be putty in your hands.

[Please Note: Dear Abby is a satirical column, the author is not encouraging plagiarism.]

3) Graduating December 2010, but spending Fall semester abroad

See response to #1

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4) Graduating Spring 2011
Apply to be a 2nd Year legal meth TL.

Abby, do you have any moot advice? Your relationship advice is always so good, I was hoping you might have something to offer here.

*Sincerely,
Meek in Moots*

Dear Meek in Moots,

You are already on your way to moot success since you have recognized the important parallel between dating and moot. You are the suitor (literally, you will be in a suit), and the judges are the object of your affection. And how

do you go about winning the affection of any potential love interest or moot judge?

1) Know your competition

Read the other dude's moot, see what you are up against. Figure out what makes your case is stronger than his.

2) Tell them what they want to hear
Flattery. The more times you can say My Lady or My Lord, the better.

3) Go shopping for the perfect LBS
A must have in every girl's closet is the LBD (little black dress). It's that classic dress that you can pull out for any oc-

casion; it always looks good and it immediately gives you a boost of confidence. Woman and men alike who aspire to be successful attorneys need to find the perfect LBS (little black suit). You'll look good, you'll feel good, and the judges will find your irresistibly convincing. Happy shopping!

Yours Truly,
Abby

Submissions: as not to clog the very busy inbox of Ms. Abby, you may send questions to either quid.law@mcgill.ca or quid.charlie@gmail.com

SKIT NITE 2010: A NIGHT AT THE (LAW)SCERS

by Laura Easton (LAW III)

IT'S THAT TIME OF YEAR AGAIN!

Thanks to everyone who came out to Law School of Rock last week! To those who are new to the faculty, I'd like to remind you that this is the first of two events hosted by the Skit Nite Committee –the next is of course: SKIT NITE 2010.

I'll leave explaining Skit Nite up to Charlie (he's so much peppier than me anyway), what I'm here to do is what I do best: mock.

After a conversation last year with the (former) Dean and Prof. Leckey, I realised that my peers and myself had let the tradition down. Apparently we weren't harsh enough with our professors and administration. They complained that we weren't as cutting. A smile cut across my face as if I were the Grinch (the animated, thank you).

"Then [I] got an idea! An awful idea! THE GRINCH GOT A WONDERFUL, AWFUL IDEA!"

I want some awards... and not just this "teacher of the year award". I want "best" dressed, I want best "that's what [s]he said", I want best looking. I want best lecturer, I want most random, I

want best accent. And hey—"worsts" are great too! I want your nominations and I want your suggested categories. Make 'em good. Make 'em funny. The funniest categories and nominations will be compiled. Those categories will then be published in another issue of the Quid, and we will take further nomination submissions. The Committee will then choose their official nominees for Skit Nite (making sure all of said profs have personal invitations), and the winners will be announced on the big night. Forget the Oscars, this is the big time.

Note, a minimum standard of decorum will be respected. Minimum is interpreted strictly, as this vamping of prof-jokes is based on the request of the Honourable Kasirer and Faculty Golden-boy, Prof Leckey.

Please e-mail all suggested categories and nominees to mcgillskitnite@gmail.com. All suggested nominee ballots must be accompanied with a reason/anecdote. All members of the McGill Law community are invited to contribute –profs too!

Running List of Categories:

-Most likely to assign you extra readings before a long weekend

-Hottest Prof (separate categories for men and women, because this is a good-looking Fac)

-Best "that's what she said"

-Most motivational (sarcasm)

-Best pronunciation of a specific word

-Most transsystemic

-Worst coursepack

SKIT NITE BASICS:

Tuesday, March 9th - 8pm

Club Soda

To get involved:
mcgillskitnite@gmail.com

We need: skits, people who want to make programs, stage hands.... volunteers!

SOYEZ-Y!!!

DROIT À L'IMAGE

Review: Mariah Carey at the Bell Centre

In the first few Quids of the semester, several students wrote reviews and encouraged the rest of us to follow suit. So, as the Quid's resident music critic (well, until somebody else steps up) here's a review of the recent Montreal visit of the greatest singer of all time (not that the Quid is biased).

Wait, before that, let's just give a little overview of MC... for those of you who don't know, some sources (yes, there is debate...) list her as the biggest selling female recording artist of all time, estimated to have sold around 175 million albums worldwide. What's undisputed: she has had the most number-one singles for a solo artist in the United States (eighteen) second overall behind The Beatles. Her singles have spent a total of 77 weeks atop Billboard's Hot 100 chart, more than any female artist and only two weeks short of surpassing Elvis Presley's record. She is the first artist to have a number one song every year of a decade (the 90s) and Billboard recently named 'We Belong Together' as the Hot 100 song of the last decade (the 00s).

Mariah's visit to Montreal was a part of her 'Angels Advocate' tour. Of course, the Quid only went because it had 'Advocate' in the title and sounded like it might be something law-related. 'Angles Advocate' is the title of Mariah's new album, to be released at the end of March. It should be noted that the album mostly a remix compilation of items from last September's 'Memoirs of an Imperfect Angel' – her first studio album failing to go platinum. (Yes, even the much-maligned soundtrack to 'Glitter' went platinum). It's not totally clear



why she's on tour – in support of the most recent

album? Perhaps. Killing time before the new one comes out? Likely.

In any event, Mariah is not known as a touring artist. Her first tour in 1993 tour had just 6 concerts. In her 'peak' decade, she played but 43 dates total. In the decade since, she's majorly ramped up her touring, and will by the end of this tour have played 131 dates in the past 10 years. The theory behind all this is that with the decline in CD sales it has become more lucrative to tour.

Why am I taking so long to start the actual review? Well, Mariah herself was two hours late, so I think it's only an accurate reflection of events that my review also leave you waiting in anticipation for things to get rolling. Ticket time was 7:30. She hit the stage at 9:26.

Oh, but before we start the review... there was an opening act – the hip-hop/r&b group RydaznRtist. Yes, it was as bad as the name suggests. The current single? "Sorry Ass Apology". No, I'm serious, look it up on YouTube. Actually, don't. Let's just review the group this way: y'all ain't Boyz II Men, and lead singer, you ain't Usher, so keep your shirt on. Oh, and was your third song really called 'Pull Your Sexy Out'? It sounded like it was, and I'm assuming you mean for a female to do that, but I'm not sure... well... quite how that works. Regardless, your new album is called "Strip Club Music". I'm real happy for you, and imma let you finish, but only because I can't run up on stage and push you off.

Right, so, Mariah takes the stage, descending on a swing in a ball gown to 'Butterfly' and 'Daydream Interlude'. The bottom half of the gown was ripped away for the start of 'Shake it Off'. Four costume changes later, Mariah finished the show after being on stage maybe an hour. Wait? Does it seem like this review is over before it started? Good, cause the show felt that way.

The set-list (after Shake it Off): Touch My Body, Fly Like a Bird, Make It Happen,

Charlie Feldman (LAW II)

pen, Angels Cry, Always Be My Baby, It's Like That, The Impossible, Love Hangover/Heartbreaker, Honey, My All, Obsessed, We Belong Together. She then came out for an encore of Hero. Set lists for other cities reveal that Canada got three fewer songs than other stops on the tour. That's fine: every city got to see a mid-set make-up and hair session on stage (so diva, but the Quid enjoyed it...) and bad dancing. No, not the dancers. Mariah, who is not known for dancing (in her defence) messed up the sailor dance from 'Honey'. There are 4-year old who can execute that sequence perfectly; I know – I babysat them.

She sang well. The voice is still there. What was missing was a sense of coherence to the whole thing – hip-hop Mariah, ballad Mariah, diva Mariah – she seemed not to be sure what to do, or even what was coming next. Case in point: she says 'You don't know this next song, but you know the one after...' and then pauses. The music for 'My All' then begins, prompting a Bell Centre sing-a-long (second best sing-a-long of the night – the best was 'Always Be My Baby'). I guess when you have 20 years of material it's hard to remember everything and its order. It's probably also hard to create a set-list that sweeps from 1993 to 2009 without some abrupt switches.

Overall, I'd have to give this fabulousness-fest a McGill B. Is that a good grade? Is that a bad grade? I don't know – I went to Law School of Rock afterwards and didn't have time to think about my reasons. Was it diva? Yes. Was it awesome possum? Yes. Was it worth what some people paid? Doubtful.

Given that the Quid likes to find the legal aspect in everything, we refer to you YouTube. Listen to Mariah's 'Thank God I Found You' and then look up Xscape's 'One of Those Love Songs'. If they sound similar to you, you're not alone. Check out *Swirsky v. Carey* 376 F.3d 841.

DROIT À L'IMAGE

Charlie Feldman (LAW II)

VALENTINE'S DAY!

When the Quid thinks love, it thinks... Westlaw!

"Love is patient, Love is kind' etc. ...it does not rejoice in wrongdoing, etc. That describes the kind of love most people are looking for." R. v. O. (M.J.) 2005 CarswellOnt 8075.

Oh love. It's great... unless it's... free?

"The defendant wife's expressed belief in free love is an added reason why guilt should be inferred as against her from all the facts and circumstances, especially as her subsequent conduct indicated that she adhered to that belief." Paulin v. Paulin [1938] 1 W.W.R. 261, [1938] 1 D.L.R. 686 (headnote)

And... it seems like everyone loves a love story:

"It is somewhat reminiscent of more romantic times in which the love-struck suitor pursues passionately the object of his desire only to be spurned; a case of unrequited love. In the present case, it falls to Mr. Brown to play the role of unrequited lover. His plaintive overtures met with a wall of silence on the part of the defendants." City Commercial Realty (Canada) Ltd. v. Bakich 2004 CarswellOnt 8586

Oh, but can you get gift ideas from Westlaw? For sure!

« À la Saint-Valentin, il a donné une carte ... dans laquelle il a exprimé ses sentiments d'amour en reprenant des paroles de chansons choisies. » SOQUIJ AZ-50390574

"His wife did not testify as to when the gun was purchased, but said that she first saw it on or after Valentine's Day" R. v. Janzen 228 A.R. 12, 188 W.A.C. 12 at para. 48

Of course, there should be some ... balance ... between how much you spend on things:

"\$8.04 on Valentine's Day for chocolates at Shoppers Drug Mart, \$408.00 (the day after the Appeal judgment) for several bottles of alcohol". Dableh v. Ontario Hydro 1998 CarswellNat 3105

And, can you get celebration ideas? Sure!

"Shaw celebrated Valentine's Day 2001 by leading police on yet another foot chase following a routine traffic stop." U.S. v. Shaw 560 F.3d 1230

The Quid can feel the love. CAN YOU?!

Anywho, Droit à l'image's present to you: the gift of song. Nothing expresses your love better than serenading that special someone, or making them a mix CD. The first you can do at Thomson House karaoke this Wednesday (4:30 -

??) The latter you can do with help from Billboard's just released "Sexiest Songs of All Time".

Billboard's methodology: Songs are ranked based on an inverse point system, with weeks at No. 1 earning the greatest value and weeks at No. 100 earning the least. To ensure equitable representation of the biggest hits from each era, certain time frames were weighted to account for the difference between turnover rates from those years.

You can find Billboard's write-ups on the web (their list goes from 50-1) but here are the top 22 (picked because the Quid really likes number 22, as does a fellow 2L with whom this song was recently sung in the NCDH basement)...

22. Silk – Freak Me (1993)
 21. Gregory Abbott - Shake You Down (1987)
 20. Starland Vocal Band – Afternoon Delight (1976)
 19. 50 Cent feat. Olivia – Candy Shop (2005)
 18. Monica – The First Night (1998)
 17. Anita Ward – Ring my Bell (1979)
 16. Nelly Furtado feat. Timbaland – Promiscuous (2006)
 15. Toni Braxton – You're Makin' Me High (1996)
 14. Color me Badd - I Want To Sex You Up (1991)
 13. Donna Summer – Bad Girls (1979)
 12. Lil Wayne – Lollipop (2008)
 11. The Rolling Stones - Honky Tonk Women (1969)
 10. Rod Stewart - Da Ya Think I'm Sexy (1979)
 9. Exile - Kiss You All Over (1978)
 8. Madonna – Like a Virgin (1984)
 7. Captain & Tennille - Do That To Me One More Time (1980)
 6. Donna Summer – Hot Stuff (1979)
 5. Marvin Gaye – Let's Get it On (1973)
 4. Next – Too Close (1998)
 3. Boyz II Men – I'll Make Love to You (1994)
 2. Rod Stewart – Tonight's the Night (1976)
 1. Olivia Newton-John – Physical (1981)
- Yes, that's right. Billboard had 'Physical' as number one. The Quid's personal favourites for... umm.. what might be in the CCP as "examination on discovery" include Sade – No Ordinary Love, Ginuwine – Pony, some items from Aaliyah, D'Angelo, Maxwell.... Okay, the Quid's going to stop there but point out that the list from Billboard includes NO COUNTRY SONGS!!!! What is that?!

The Quid will give you just a few country selections (again, from its playlist): Must Be Doin' Somethin' Right – Billy Currington; Your Man – Josh Turner; and Let's Make Love – Faith Hill & Tim McGraw.

Lastly, the Quid also offers you the one legal-themed love song that we could think of, anyway - Whitney Houston's 'Lover for Life' (off of 1990's "I'm Your Baby Tonight"). The bridge:

You heard my testimony / you've seen my evidence / hey,

DROIT À L'IMAGE

Charlie Feldman (LAW II)

it's a crime of passion - in every sense /
and justice would be served / if you stay here in my world /
so take me I'm your prisoner / will you sentence me to be
your lover for life?

Okay, so make your playlist... but, BE CAREFUL!!!!

The Quid offers you a cautionary tale...

(NOTE: Parental Guidance Advised... some of you will not find this in good taste, but it meets the Quid's (very low) standards. So there.)

Cautionary Tale: Be careful with that romantic playlist...

Date: Fall 2003

Place: College Park, Maryland

The Quid's friend 'S' was excited for the first college visit of her out-of-state boyfriend 'D'. S, in her excitement, created a playlist on her newly acquired iPod. She thought carefully about songs that would set the mood, and deliberated with many (including the Quid) over what selections would be conducive to a perfect night of love-making.

D arrived, excited to rekindle the embers of romance through a passionate exchange of ... consents and a meeting of the minds... okay, so really, there's no way to make trashy romance writing point-first, or to introduce the legal stuff without it reading awkwardly. ANYWAY, long story short, D was excited for the evening, and S had boasted about the awesomeness of the playlist for the entire ride back from the airport.

In a hurry to begin their ... rekindling ... S made a fatal (for the purposes of a romantic evening) mistake. Not being familiar with her new iPod, she selected the first song as 'fes-

tivities' began, and D was in the heat of the moment when it became apparent that the iPod was not on her playlist, but rather, on shuffle! When Cookie Monster's Theme ('C is for Cookie') began, D looked in horror thinking 'OMG MY CRAZY GIRLFRIEND WANTS TO GET DOWN TO KIDS MUSIC!' S, panicking, wailed, and wanted to change the song asap, and made this intention clear to D. Sadly, D, perhaps surprised by the turn of events, found festivities had suddenly finished, much to S's dismay. There was simply not enough time to change the song. S cried. D wanted a sandwich. The Quid wants to point out that in telling this story to everyone, S reveals that D's 'rekindling' lasts one song and change; the Quid will refrain from comment thereupon.

S certainly did not appreciate the Quid's taunting in the subsequent days of 'C is for cookie, and that's good enough for you!' But the Quid (and eventually S) found humour in the situation. Lesson learned: music can make or break the mood, and there's not always time to change the tune.

S, now married with two young kids, apparently finds it awkward when watching Sesame Street with her offspring, in part because she recalls that time with D, who is not her husband, J.

BE MY VALENTINE!!

The Quid offers congratulations and best wishes to the two 2Ls who got engaged this past week (not to each other)! And, while I'd hoped a few more of you would send in some love notes, some of you, uhh, really want to be off the record... so, here go the Quid valentines for 2010:

De AF (4L) à IN (4L) : De toutes les preuves d'amour que j'ai faites et à venir, jamais aucune n'égale ma présence à tes côtés... dans un cours de Taxation! Je t'aime mon amour!

From CGM(2L) to CF, VL, AE and LR (2Ls): I am so lucky to have you as friends; you really make every day much brighter!

From CF (2L) to CF, CF (2Ls): I love that there are three 2Ls with the same initials. I love one of you like I love Kosher chicken. And I love the other one like I love to drink... our favourite drink starting with C!

From Anonymous to Anonymous : I love you like Denning loves cricket! Oh, and I still have your coursepack. Foos?

From MK(2L) to RB (2L) You are the Asterix to my Obelix.

From Anonymous to CF (2L): I love you like you love the LSA!



DROIT À L'IMAGE

Charlie Feldman (LAW II)

(Quid's note... it's a little less anonymous when you send it TO ME from your McGill e-mail address, but I know you're trying to be funny and I can't help but laugh so here it is :-P)

From Anonymous to EH (2L) You are the prettiest girl in school. Granted, it's a small school, but still...

From CF (2L) to CR, CS (2Ls): You guys are the best editors-in-chief pair ever. Please don't fire me.

From Anonymous (3L) to Anonymous (?L): You are the Nahum to my Gelber. Yes, I know that was in last week's examples, but I'm using it!!!
(Quid's note: Could you be less creative?!!)

From Anonymous to CS (1L): I really think you should send a Valentine to you-know-who, you guys secretly love each other, the whole class knows! MAKE YOUR MINDS MEET!

From Anonymous (3L) to Anonymous (3L): I love our romantic dinners at Matteos – you are the best!! xoxoxo shish taouk!!
(Quid's note: How is Matteos romantic... and they don't have shish taouk... I'm so confused...)

From Anonymous to Anonymous : I thought it would be awkward to have class with you after we went home together from Welcome Ball. It's not. Yay for that.

From Anonymous (3L) to BJ (3L): Get back on facebook – I'm not going to send to the Quid what I want to write on your wall on this holiday!

From Anonymous (2L) to: Prof. Jukier: You are the JJ to my CP.
(Quid note: I wrote this person back with 'are you serious'? This 2L replied 'I just want to put it out there' Who is the Quid to judge?)

From CP (2L) to KE (1L): I'd better see your Valentine in the Quid!

From KE (1L) to CP (2L): [no submission]

From CS (2L) to MK (2L): J'te LOVE.

From Anonymous to FG (3L): Thanks a million!
(Quid's note: that's not really a Valentine, but okay...)

From CF (2L) to KW (1L): YOU ARE THE BESTEST COATHANGER EVERRRRR!!!!!!

From Anonymous to AM (2L) : You said you don't like Valentine's Day... but will you make an exception for your favourite reading group partner ever?

From Anonymous to Anonymous (2L): te amo papi – u know who...

(Quid's note: Uhh, I can guess... and I'm guessing that's not to me)

From Anonymous to TDM (2L): You rock chica and don't get nearly enough props!

De CF (2L) à AL (2L): Je sais que tu m'as vue, que tu connais le jeu, j'espère que tu aimes courir par pur plaisir.. ha!

From Anonymous to: Anonymous : Why are we incapable of flirting like adults around each other?

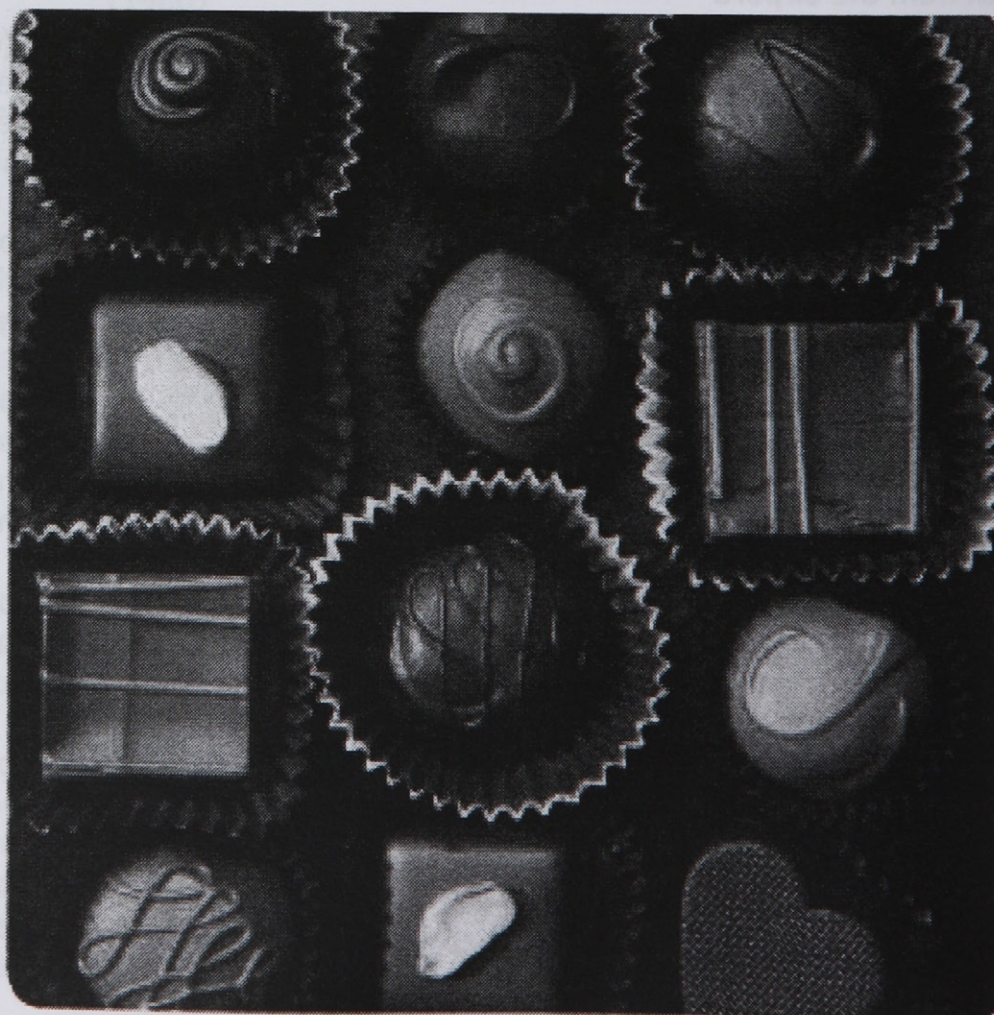
From KKP (1L) to JM (1L): Gurrri you so fine you make me want to just drink cacacha and party with you allll the time!!! ay ay caliente! Happy V-Day lover!! xox

From Anonymous to Anonymous: Boobookins babybaby sweetie-pie angelface!! Be mine, Valentine - you know who you are!

From Anonymous to "a certain grad student": I want to be your Enrique, let me be your hero!

De ? (4L) à ? (3L): Heureux sont ceux qui ont connu le coup de foudre comme nous!

From ? (2L) to ? (2L) : Hockey stick. Hockey stick. PEI sucks!



DROIT À L'IMAGE

Charlie Feldman (LAW II)

From Anonymous (1L) to Me. Lamed : I get high off legal meth! Happy Valentine's Day!!!!!!

From Anonymous (2L) to TB (3L): You make me wanna leave the one I'm with and start a new relationship with you, this is what you do. .. you make me, you make me

From Anonymous to EVERYBODY: I LOVE YOUUUUUUUUU!

(Quid's note: I second that...)

___ OTHER SUBMISSIONS ___

Début janvier, je me suis fait la promesse de ne plus jamais, jamais, jamais, rédiger mes examens dans la langue de Shakespeare. Je me suis dit, cependant, que j'avais environ une semaine, soit suffisamment de temps cette fois, pour réfléchir davantage à ce que j'écirais.

Voici un « poème » que j'ai composé en l'honneur d'un professeur que j'apprécie beaucoup.

Prof. *Leckey v. My heart*, [2010] 1 S.C.R. 214

Dear Professor Leckey,
You are my matter of national concern,
The s. 91 (2) to my s. 92 (13),
The untouchable core, and
Despite the pain this *zero sum game* we play inflicts on me,
In 'pith and substance', to me you are flawless,
An exceptionally resistant, watertight compartment.

Intrusive, encroaching ancillary effects of yours,
Will never declare you *ultra vires* my Hart.
You cannot possibly frustrate my legislative purpose,
Nor upset the vital parts of my undertakings.
Remember, overlapping suggests ultimate harmony.
Your paramountcy renders me eternally inoperative, and
As my preamble, you indicate my purpose and guide my meaning,
Ignore what Rand J. said,
To me you are determinative.
Just for one day,
Be my enacting legislature, my exclusive head of power,
The source of authority on which I rest.
Fill in the gaps of our unwritten, imaginary love tale,
Be my Charter remedy,
And I, forever connected to your federal scheme
Will be your devoted trustee.

Unconditionally yours,
A disturbingly infatuated student.

(Charlie's note: I didn't write that. Swear to goodness. The person who sent that in is my new hero).

Dear Quid Law,

PLEASE PRINT THIS. IT'S TAKING ALL OF MY COURAGE TO ASK MARIANNE KNAI OUT.

Dear Marianne Knai,

This is not a joke.

I've been lusting for you since August, when I entered 1L...I'm just too shy to speak to you. I think you are the most beautiful woman in the faculty. Your personality is amazing and your smile brightens the room!
I'd like to take you out to get the chance to know you and show you a great time.
Hit me back: iloveknai@hotmail.com - you won't regret it!

And... another anonymous poetry submission:

Valentines Ode on a Bow Tie

Thou still unblemish'd groom of distinction!
Thou step-son of past and careful thought
Ruffled instructor, by what crisp diction
Could Macdonald surpass our lot:
What playful creases haunt about thy shape
Of laws arcane, or of tortious actions,
In valleys civil, or to the common stray?
What coursepacks are these? What begloomed landscape?
What mad justice? What secured transactions?
By what silent song do you brighten my day?

O shape of infinity! Dear Möbius! wrapped 'round
A collar with grace and ease dignified,
With complex loopery and a silken sound;
Thou, silent form, dost flash smiles wry
As Denning: Warm in enthrall!
When exams shall impoverished minds waste,
Thou shalt remain, midst quid and sorrow
Like this, a friend to me, to whom thou sayst,
"Beauty is truth, truth beauty," – that is all
Ye know in law, and all ye need to know.

...DISONS...

Submissions: quid.charlie@gmail.com

Prof. Adams: "You need a sound argument. Can't just say because my mother loves me."

Prof. Sklar: "It's hard to know what the intent of the legislator is, but it's also hard to know the intent of the judge is"

Prof. Sklar: "You all remember the movie *Thirty Seconds over Tokyo*... *class is silent* You know, Spencer Tracy playing Jimmy Doolittle... *class remains silent*" (Quid note: *Thirty Seconds over Tokyo* was released by

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MGM in 1944).

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Prof. Jukier: (banging heard over the Moot Court): I AM THE CHAIR OF THE SPACE COMMITTEE AND IM GOING TO USE MY POWER AS THE CHAIR OF THE SPACE COMMITTEE TO GET THAT CARPTED – IVE TRIED EVERTHING – CHARIS WITH CASTORS, CHAIRS WITHOUT CASTORS – THEY ARE GETTING CARPET IN THERE!!!!!!!!!!!!!!!!!!!!!!

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Prof. Klinck: "Owning property in an unregulated subdivision is great – it's so exciting and unpredictable – it's just the best!!!!"

Prof. Klein; "The legal term is kerfuffle"

Prof. Klinck: "The acquisitive instinct never sleeps - this is a primal human desire – to get more stuff"

Prof. Klinck: "We'll forget about distress – we know enough about distress – we all just handed in the factum"

Prof. Dedek: "The Code giveth, the Code taketh away."

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know she used to be fat and now she's skinny and now she does commercials for Jenny Craig!"

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Prof. Brooks: "If you spend too much time being cool, tax is not for you!"

(REDACTED): Affect vs. effect - I ask my kids this. If they get it wrong, they don't get dinner.

Prof. Piper: "I frequently trespass on other people's property ... in a possibly prosecutable way..."

(as submitted):

L1A: [describes bread recipe].

L1B: But is it a lot of work? I don't want to spend hours kneading the dough.

L1A: Dude, I barely have the energy to stimulate myself to orgasm these days. Trust me, it's a no-work recipe.

2L : ouin... disons que le droit familial en Colombie-Britannique, c'est pas ma première passion...

2L : je veux pas rencontrer la personne pour qui ce l'est... y est probablement pas le meilleur drinking buddy de tous les temps

3L : Is it possible to go away for reading week and not come back?

2L: CML prop will kill me. It's owning me. Ha. Owning...

3L: Put a valentine in the quid for me

Me: Ummm..... it doesn't quite work like that

3L: MAKE IT WORK!

2L: I'm 20 and I don't even get that! I'd love fire dancers in cages with poles.

After turning in the factum:

2L: J'ai l'impression d'avoir accouché, je sais pas si c'est une fille ou un gars

2L: I LOVE NETWORKING!!!

2L : I love eating my feelings, ergo I love law school!

1L: Are we there yet?

(Charlie's note – I had more... I can't remember what I did with them – not publishing last week has thrown me off – sorry folks!)

DROIT À L'IMAGE

More McGill Champions...

Charlie Feldman (LAW II)



(At left) cGill Law takes home the Guy-Guérin Cup. The Quid would like to congratulate 3Ls Jeannine Plamondon and Nick Melling on a job well done. And of course, the Quid recognizes the efforts of Prof. Sklar that made this achievement possible. The Guy-Guérin Cup is devoted to the area of Criminal Law, focusing on trial advocacy experience. Good luck at the next level of the competition!

(Below) 2L Emilie Blanchard and the ladies of the McGill synchronized swimming team were victorious at the championships of the Ligue universitaire canadienne de nage synchronisée! Pictured below are the ladies with their sixth consecutive Gerry Dubrule trophy! McGill finished first of 15 schools competing schools, earning 56 points, easily beating the second place team from Western Ontario who scored 46. Excellent job, Emilie and the ladies!



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WE ANIMALS: McGill Symposium & Exhibit on Animal Law

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During the week of March 8th to 11th 2010, the Student Animal Legal Defense Fund at McGill will host a symposium and photography exhibit on animal law. Several events are scheduled to take place:

**8-11 March
The Atrium**

WE ANIMALS Photography Exhibit: Documenting Animals in the Human Environment

The exhibit will feature the work of prominent Canadian photographer Jo-Anne McArthur. McArthur captures human interactions with animals in a way that allows the viewer to find new meaning in unnoticed situations of use, abuse and sharing of spaces. Her unique talent brings awareness to animal issues in powerful ways. McArthur's work has appeared in publications such as *Elle Canada*, *Canadian Living*, and the *New York Times*.

**Tues. 9 March
5:30-7:00 pm
Room 100**

Switzerland Leading the Way in Animal Welfare: A Presentation by the World's Only Public Animal Welfare Lawyer, Dr. Antoine F. Goetschel

Switzerland is a world leader in animal welfare. Its constitutional protection of the "dignity of the creature", the strict requirements of the Swiss *Federal Animal Protection Act*, and the employment of a public animal welfare lawyer are all exceptional measures that have no equivalent in Canadian or U.S. law.

Dr. Antoine F. Goetschel will speak on advancements in animal welfare legislation in Switzerland as well as his role as the world's first and only public animal welfare lawyer in Zurich, Switzerland. In court, Dr. Goetschel acts much like a public prosecutor, safeguarding the interests of animal victims in criminal cases. It is his job to enforce the Swiss *Federal Animal Protection Act*, enacted in 2008, which is generally regarded as

one of the most progressive pieces of animal protection legislation in the world.

In addition, Dr. Goetschel will speak on the current Swiss popular initiative that proposes to compel all 26 cantons of Switzerland to appoint a public animal welfare lawyer that would give domesticated animals the right to be represented by a lawyer in court. On 7 March 2010 the entire Swiss population will vote in a referendum on whether to accept this initiative that aims to give unprecedented legal protection to animals.

**Wed. 10 March
6:00-7:45 pm
Room 101**

**Perspectives On Animal Law: A Panel of Experts From
Switzerland, Canada and the U.S.**

On Wednesday evening, experts from three different countries will engage in a panel discussion exploring the current state of animal welfare law in Canada and abroad, as well as prospects for future development.

David Wolfson teaches animal law at Columbia Law School and NYU Law School. He has written extensively on animal law issues and has represented several prominent animal protection organizations, such as the Animal Legal Defense Fund and the Humane Society of the United States. Mr. Wolfson will be discussing the state of farm animal welfare law in North America.

Dr. Antoine Goetschel is the world's first and only public animal welfare lawyer. He represents the interests of animals in criminal cases as a public official in the canton of Zurich in Switzerland. Specializing in the field of human-animal relationships in the law since 1984, he has played a crucial role in the development of animal welfare legislation in Switzerland, as well as in Switzerland's constitutional amendment to include protection for animals. Dr. Goetschel will be speaking on the recent developments in animal welfare legislation in Europe and Switzerland.

Alanna Devine is a graduate of McGill University's Faculty of Law and the founder of the McGill chapter of the Student Animal Legal Defense Fund. She is currently the Director of Animal Welfare at the Montreal branch of the Canadian Society for the Prevention of Cruelty to Animals (CSPCA) and has been particularly active in the fight against Quebec's infamous puppy mills. Ms. Devine also serves on a provincial government committee that is considering amendments to Quebec's animal welfare legislation. She will be discussing the state of companion animal law in Canada and Quebec.

**Wed. 10 March
7:45-9:00 pm
The Atrium**

**WE ANIMALS Vernissage & Reception
Food, Drinks & Raffles**

Join us in the Atrium of the Faculty of Law after the panel discussion for an exclusive evening with photographer Jo-Anne McArthur. Attendees will have a chance to listen to Ms. McArthur speak about her work. Several of her pieces will be up for sale, healthful and ethical food & drinks will be provided, and raffle tickets will be sold for a chance to win gift certificates to Montreal vegetarian restaurants and a free photo/portrait shoot with McArthur in Toronto. Proceeds raised this evening will go to the Animal Legal Defense Fund, the Montreal SPCA, and Fauna Foundation.

For additional information, please visit www.saldf.ca

On behalf of the Quid Novi team, we would like to wish everyone in the Faculty a productive Reading Week.

L'équipe du Quid préfère de loin utiliser l'expression 'semaine de relâche' que celle de 'semaine de lecture'. Amusez-vous !!

